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Article 4 – Use Regulations
ARTICLE 4
USE REGULATIONS

CHAPTER A USER GUIDE AND GENERAL PROVISIONS

Section 1 Overview

In order to ensure that all development in unincorporated PBC is consistent with the Comprehensive Plan, it is necessary to define uses and identify where such uses are allowed. This Chapter establishes the general provisions that address regrouping of uses by classification, approval process, and any requirements specific to a use. It also serves as a guide to assist users in determining the uses that are allowed in the various zoning districts. The Zoning Director shall maintain and publish a User Guide to assist the public with applicability of this Article.

Section 2 Variance Relief Prohibited

Variance relief from any of the requirements of this Article shall be prohibited unless expressly stated otherwise herein.

Section 3 Zoning and Future Land Use Consistency

Before utilizing this Article to confirm if a use is allowed, it must be determined that the zoning district designation of the subject site is consistent with its Future Land Use (FLU) designation. This can be accomplished by referencing the site’s FLU designation from the PBC Future Land Use Atlas (FLUA), and checking Art. 3.A.3, Zoning District Consistency with the Future Land Use Atlas (FLUA). If the zoning district is inconsistent with the FLU designation, a rezoning may be required to allow for a proposed use subject to the requirements specific to the use and other applicable project development regulations. Depending on the size and location of the site, there may be multiple options for rezoning, which may include Standard Zoning Districts, PDDs, or TDDs. Once consistency has been confirmed or if it’s determined that rezoning may be required, the appropriate zoning district or zoning districts can then be referenced to determine potential uses and applicable approval process.

A. If the zoning district is consistent with the FLU designation, then a rezoning is not required. The Applicant shall reference Use Matrices to see whether the proposed use is allowed in that zoning district and subject to what type of approval process.

B. If the zoning district is not consistent with FLU, then a rezoning is required. The Applicant shall select the most appropriate zoning district, and reference Use Matrices to identify whether the proposed use is allowed in the proposed zoning district and subject to what type of approval process.

Section 4 Overlays

The Applicant shall confirm whether the site is located in an Overlay Zone pursuant to Art. 3.B, Overlays, or as shown on the Official Zoning Map. If a site is located within an Overlay, then additional requirements and limitations may apply to those uses additional to the regulations under the Supplementary Use Standards.

Section 5 Airport Zones

Uses in Airport Zones may be further restricted or subject to special regulations as specified in Art. 16, Airport Regulations.

Section 6 Specific Regulations for Standard Zoning Districts

Special regulations apply within certain zoning districts as specified under Art. 3.D.3, District Specific Regulations.
Section 7 Determining Approval Process

Uses not specifically listed in the Use Matrices of this Chapter, but consistent with the definition of a listed use, may be considered by the Executive Director of PZB pursuant to Art. 1.B, Interpretation of the Code. All uses shall comply with all requirements of the ULDC unless expressly exempted otherwise.

A. Organization

Uses are arranged within this Chapter by Use Classification, each of which includes: a Use Matrix, General Standards, and Definitions and Supplementary Use Standards for Specific Uses. Uses listed under each Use Classification are organized alphabetically, with a corresponding number that allows for easy reference between the Use Matrix, and Definitions and Supplementary Use Standards.

B. Use Classification

Uses are grouped into 11 classifications generally based on common functional characteristics or land use compatibility, as follows:
1. Residential,
2. Commercial,
3. Recreation,
4. Institutional, Public, and Civic,
5. Industrial,
6. Agricultural,
7. Utility,
8. Transportation,
9. Commercial Communication Towers,
10. Excavation, and,
11. Temporary.

C. Use Matrix

Each Use Matrix identifies all zoning districts, uses, and approval process, except as indicated otherwise. The Use Matrix indicates the approval process for each Use Type in Standard Zoning Districts, PDDs, TDDs, URAO, and IRO. A number in the column under the “Supplementary Use Standard” of the Use Matrix refers to the Definition and Supplementary Use Standards applicable to each use. [Ord. 2018-002] [Ord. 2019-005]

1. Permitted by Right

Uses identified with a “P” are allowed in the zoning district, subject to the Supplementary Use Standards and the other applicable requirements of this Code. Uses in this category that do not require a Building Permit or Zoning Division site plan approval are still required to comply with all applicable requirements of the ULDC.

2. Development Review Officer (DRO)

Uses identified with a “D” or exceeding the thresholds of Table 4.A.9.A, Thresholds for Projects Requiring DRO Approval, are allowed subject to approval by the DRO in accordance with Art. 2.C, Administrative Processes. [Ord. 2019-005]

3. Class B Conditional Use

Uses identified with a “B” are allowed in the zoning districts only if approved by the ZC in accordance with Art. 2.B, Public Hearing Processes. [Ord. 2019-005]

4. Class A Conditional Use

Uses identified with an “A” are allowed in the zoning districts with a recommendation by the Zoning Commission, and approved by the BCC in accordance with Art. 2.B, Public Hearing Processes. [Ord. 2019-005]

5. Temporary Use

Uses identified in Table 4.B.11.A, Temporary Use Matrix with a “D” are allowed in the zoning districts with an approval by the Development Review Officer subject to the Zoning Agency Review process. Temporary uses are not permanent in nature; not intended to be permanently fixed at a location; and, are typically approved for a defined period of time. [Ord. 2017-007] [Ord. 2019-005]

6. Prohibited Use

Uses identified with a dash “-,” in a zoning districts column of the Use Matrix, are prohibited in that zoning district, unless otherwise expressly stated under the Supplementary Use Standards for the use, or within any applicable Zoning Overlays.
D. General Standards
Where applicable, each Use Classification may have a listing of General Standards that apply to all Uses in that Use Classification.

E. Definitions and Supplementary Use Standards for Specific Uses
The definition for each use permitted is listed. Where applicable, additional Supplementary Use Standards may apply. In the case of a conflict with other regulations in this Code, the more restrictive requirement shall apply, unless otherwise stated.

Section 8 Use Functions
Uses may be identified as principal or accessory. A site may be developed with a single use or collocated with multiple principal uses. Functionality of uses are as follows:

A. Principal
As defined in Art. 1, General Provisions, a principal use is “the primary and major purpose for which land or building is used as allowed by the applicable zoning district.” Only those uses listed in this Chapter within the Use Matrices may be considered a principal use. A site may have more than one principal use.

B. Collocated
Certain principal uses that are not normally permitted within a zoning district by the Use Matrices may be allowed as a collocated use if expressly stated under the Supplementary Use Standards and compliance with all of the Supplemental Use Standards applicable to the use.

C. Accessory
As defined by Art. 1, General Provisions, “a permitted use that is customarily associated with the principal use and clearly incidental to the principal use, and is subordinate in area, extent or purpose to and serves only the principal use.” Uses not allowed in a zoning district shall not be accessory to a principal use unless stated otherwise in the Supplementary Use Standards of the use intended to be accessory. Additional accessory use limitations and requirements are contained in Art. 5.B, Accessory Uses and Structures.

D. Flex Space
This option allows for limited office or retail opportunities where otherwise prohibited in industrial zoning districts, or inversely allows for a limited type of industrial uses in the commercial zoning districts that are consistent with the CH FLU designation. Flex space is only permitted when approved in accordance with Art. 5.B.1.D, Flex Space. [Ord. 2019-005]

Section 9 Development Thresholds

A. Development Review Officer
Any amendment to an existing development, or new construction of projects that meets or exceeds either the maximum square footage or number of units, shall require DRO site plan approval.

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<th>Number of Units or Square Feet</th>
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<td>CN</td>
<td>3,000 sq. ft.</td>
</tr>
<tr>
<td>CLO</td>
<td>3,000 sq. ft.</td>
</tr>
<tr>
<td>CC</td>
<td>8,000 sq. ft.</td>
</tr>
<tr>
<td>CHO</td>
<td>8,000 sq. ft.</td>
</tr>
<tr>
<td>CG</td>
<td>10,000 sq. ft.</td>
</tr>
<tr>
<td>CRE</td>
<td>15,000 sq. ft.</td>
</tr>
<tr>
<td>IL</td>
<td>20,000 sq. ft.</td>
</tr>
<tr>
<td>IG</td>
<td>20,000 sq. ft.</td>
</tr>
<tr>
<td>IPF</td>
<td>20,000 sq. ft. or 16 du</td>
</tr>
<tr>
<td>IR</td>
<td>Any project utilizing the Infill Redevelopment Overlay</td>
</tr>
</tbody>
</table>

Notes:
1. Approval of a subdivision plan is required for all subdivision of land for which a plat or plat waiver has not been granted pursuant to Art. 11, Subdivision, Platting, and Required Improvements or which exceeds the threshold above.
2. Projects exceeding the thresholds above shall comply with Art. 5.C, Design Standards.
B. Public Hearing Approval
Any amendment to an existing development, or new construction of residential, commercial or industrial projects that meets or exceeds either the maximum square footage or units, or maximum acreage of Table 4.A.9.B. Thresholds for Projects Requiring Board of County Commission Approval, shall be reviewed and approved as a PDD or TDD in accordance with Art. 2.B.7.B. Conditional Uses and Official Zoning Map Amendment (Rezoning) to a PDD or TDD. Projects that meet or exceed the thresholds of this Table that do not meet the access and dimension requirements of a PDD or TDD; are not allowed to be a PDD or TDD by the Plan; or for non-residential projects, consist of only one use, shall be approved as a Class A Conditional Use.

1. Exemptions
The following projects shall be exempt from this requirement:
   a. Projects located in the PO Zoning District or that propose to rezone to the PO Zoning District, that support existing or proposed government facilities; and
   b. Infill Redevelopment Overlay projects approved by the DRO.

### Table 4.A.9.B – Thresholds for Projects Requiring Board of County Commission Approval (1)

<table>
<thead>
<tr>
<th>FLU Designation (3)</th>
<th>Number of Square Footage or Units (4)</th>
<th>Acreage</th>
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<tr>
<td>Residential (Excluding RR FLU)</td>
<td>200 du</td>
<td>50 acres</td>
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<tr>
<td>AGR (Residential Only) (2)</td>
<td>-</td>
<td>250 acres</td>
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<td>CLO</td>
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<tr>
<td>CL</td>
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<tr>
<td>CH</td>
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</tr>
<tr>
<td>IND</td>
<td>100,000 sq. ft.</td>
<td>-</td>
</tr>
<tr>
<td>INST</td>
<td>50,000 sq. ft.</td>
<td>-</td>
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<tr>
<td>CR</td>
<td>100,000 sq. ft.</td>
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</tr>
<tr>
<td>MLU</td>
<td>50,000 sq. ft.</td>
<td>-</td>
</tr>
<tr>
<td>EDC</td>
<td>100,000 sq. ft.</td>
<td>-</td>
</tr>
</tbody>
</table>

Notes:
1. Land area devoted to retention pursuant to the requirements of the C-51 drainage basin, or land area devoted to vegetation preservation pursuant to the Environmentally Sensitive Lands Ordinance, excluding AGR or Sector Plan Preserve Areas, shall not be counted toward the maximum acreage threshold.
2. PDDs or TDDs in the AGR Tier are limited to the 80/20 PUD, 60/40 PUD, or AGR-TMD (FLUE Policy 1.5.1-a).
3. There are no thresholds for the UC or UI FLU designations.
4. Dwelling units shall include any density awarded as part of a density bonus program.

C. Density Bonus
Any amendment to an existing development, or new construction of projects, which includes an existing or proposed WHP, AHP, or TDR residential density bonus, shall require confirmation of any applicable thresholds for approval process in accordance with Art. 5.G. Density Bonus Programs. [Ord. 2017-025]

D. Agriculture Reserve Design Elements
The Development Area shall comply with FLUE Policy 1.5.1-r. Ag Reserve Design Elements.

In the case of a conflict with other regulations in this Code, the more restrictive requirement shall apply, unless otherwise stated.
## Chapter B: Use Classification

### Section 1: Residential Uses

#### A. Residential Use Matrix

1. Residential related accessory uses are identified in Table 4B.1.D. Corresponding Accessory Use to a Principal Use.

#### TABLE 4B.1.A – RESIDENTIAL USE MATRIX

<table>
<thead>
<tr>
<th>AG/CON</th>
<th>RESIDENTIAL</th>
<th>COMMERCIAL</th>
<th>IND</th>
<th>INST</th>
<th><strong>Supplementary Standards</strong></th>
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<tr>
<td>P A A</td>
<td>AR R R R R</td>
<td>C C C C C</td>
<td>IRO</td>
<td>I I P</td>
<td><strong>Use Type</strong></td>
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<td>C G P R U E T S M N L C H G R U U U U U</td>
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<td></td>
<td></td>
<td><strong>Congregate Living Facility, Type 1</strong></td>
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<td>P A A</td>
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<td></td>
<td></td>
<td><strong>Congregate Living Facility, Type 2</strong></td>
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<td></td>
<td></td>
<td></td>
<td><strong>Congregate Living Facility, Type 3</strong></td>
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<td></td>
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<td></td>
<td><strong>Mobile Home Dwelling</strong></td>
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<td>- - - - - - A P - - - - - - P P P P P - - - - -</td>
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<td></td>
<td></td>
<td><strong>Multifamily</strong></td>
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<td>- - - - - - A A - A A A A - - - - - - A A - - A A - -</td>
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<td></td>
<td><strong>Single Family</strong></td>
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<td></td>
<td><strong>Zero Lot Line Home (ZLL)</strong></td>
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<td>- - - - - - A A - A A A A - - - - - - A A - - A A - -</td>
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<td><strong>Use Approval Process Key:</strong></td>
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<td></td>
<td></td>
<td><strong>Permitted by Right</strong></td>
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<tr>
<td>P A A</td>
<td>- - - - - - A D - - - - - - D D D D D - - - - -</td>
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<td></td>
<td></td>
<td><strong>Subject to DRO Approval</strong></td>
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<td>P A A</td>
<td>- - - - - - A D - - - - - - D D D D D - - - - -</td>
<td></td>
<td></td>
<td></td>
<td><strong>Subject to Zoning Commission Approval (Class B Conditional Use)</strong></td>
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<tr>
<td>P A A</td>
<td>- - - - - - A D - - - - - - D D D D D - - - - -</td>
<td></td>
<td></td>
<td></td>
<td><strong>Prohibited Use, unless stated otherwise within Supplementary Use Standards</strong></td>
</tr>
</tbody>
</table>

**Residential Uses (2)**

- **PUD (2)**
  - **U/S**
    - **TRADITIONAL DEV. DISTRICTS (TDDs)**
      - **TIER**
        - **S**
          - **E**
            - **A**
              - **R**
                - **G**
                  - **O**
                    - **R**
                      - **S**
                        - **E**
                          - **C**
                            - **L**

- **MUPD (3)**
  - **TRADITIONAL DEV. DISTRICTS (TDDs)**
    - **TIER**
      - **S**
        - **E**
          - **A**
            - **R**
              - **G**
                - **O**
                  - **R**
                    - **S**
                      - **E**
                        - **C**
                          - **L**

**Use Approval Process Key:**

1. Supplementary Use Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standards column.

2. The only residential use allowed in the RM or the PUD Zoning Districts, that has a CLR FLU designation, is a Type 3 Congregate Living Facility (CLF). [Ord. 2019-005]

3. Residential uses within an MUPD may only be permitted when density is available through an underlying Residential or Agricultural Reserve Future Land Use designation. [Ord. 2019-005]
B. General Residential Standards
   1. Accessory Affordable Housing
      Multifamily, Single Family, Townhouse, or Zero Lot Line Home may be allowed in the IPF Zoning District as Affordable Housing in the same development of institutional, public, and civic uses such as Place of Worship. The dwelling units shall not be for sale and shall be subject to DRO approval. As part of the submittal requirement, the Applicant shall demonstrate that residential development will be under the direct supervision of a sponsoring non-profit organization or community-based group.

C. Definitions and Supplementary Use Standards for Specific Uses
   1. Congregate Living Facility (CLF)
      a. Definition
         A facility which provides long-term care, housing, food service, and one or more assistive care services for persons not related to the owner or administrator by blood or marriage.
      b. Licensing
         Type 1 and 2 CLFs shall be licensed by one of the licensing entities referenced in F.S. § 419.001.
      c. Approval Process
         1) RS Zoning District
            A Type 3 CLF may be allowed in the RS Zoning District with an MR-5, HR-8, HR-12, or HR-18 FLU designation subject to a Class A Conditional Use approval. A Type 3 CLF in the RS Zoning District with an LR-1, LR-2, and LR-3 shall be prohibited. [Ord. 2019-005]
      d. Maximum Occupancy
         1) Type 1 CLF
            Six persons, excluding staff.
         2) Type 2 CLF
            14 persons, excluding staff.
         3) Type 3 CLF
            The maximum occupancy shall be determined by FLUE Table 2.2.1-g.1 of the Plan and multiplying the maximum allowable density by 2.39. A dwelling unit is equivalent to 2.39 residents/beds. [Ord. 2019-005]
      e. Separation
         The separation requirements in this Section shall be measured from the nearest point of the existing CLF structure to the nearest point of the proposed CLF structure.
         1) Type 1 CLF
            A Type 1 CLF, shall not be located within a radius of 1,000 feet of another Type 1 CLF regulated by F.S. § 419.001 and within a radius of 1,200 feet of a Type 2 CLF.
         2) Type 2 CLF – RM Zoning District
            A Type 2 CLF located in the RM Zoning District shall not be located within a radius of 1,200 feet of another CLF.
      f. Location
         A Type 3 CLF shall have frontage and access from a Collector or an Arterial Street, except for the following:
         1) A Type 3 CLF having 25 residents or less may have frontage and access from a Local Street.
         2) A Type 3 CLF having 250 or fewer residents may be located in a Multifamily, Commercial, or Civic Pod with access to a Local Street or a parking tract in a PDD.
      g. Lot Size
         1) The minimum lot dimension for a Type 2 or Type 3 CLF shall be 8,000 square feet or the zoning district minimum lot requirement, whichever is greater.
         2) The required minimum acreage for a PDD may be reduced by 50 percent if it consists exclusively of a CLF.
      h. Type 2 or Type 3 CLFs – Fire-Rescue Station
         A Type 2 or Type 3 CLF shall be located within five miles of a full-service fire-rescue station.
      i. Drop-off Area, for Type 2 and Type 3, CLFs
         A drop-off area shall be provided for group transportation, such as vans or similar vehicles.
      j. Accessory Commercial Uses
         A limited amount of commercial uses may be Permitted by Right as accessory uses in a Type 3 CLF. Such uses shall be limited to Retail Sales and Personal Services uses designed exclusively to serve the residents of the facility, such as a barber or beauty shop, convenience retail sales, and banking services. No more than ten percent of the GFA of the facility shall be used for accessory
commercial uses. There shall be no exterior signage or other indication of the existence of these uses in the facility that may attract nonresidents.

k. **Signage**
   Signage for a Type 1 or Type 2 CLF shall be limited to one freestanding sign no more than four square feet in sign face area and six feet in height.

l. **Congregate Living, Assistive Care Services**
   Assistance with activities of daily living and limited nursing services.

m. **Emergency Generators**
   A permanent emergency generator shall be required for all Type 2 and Type 3 CLFs, and shall meet the standards of [Art. 5.B.1.A.19, Permanent Generators](#).

n. **Cooking Facilities**
   A CLF shall provide and continuously maintain a central dining facility. Food preparation shall be prohibited in sleeping areas or in individual quarters in Types 1 and 2 CLFs. Individual kitchen facilities may be provided in the living quarters of a Type 3 CLF.

2. **Cottage Home**
   a. **Definition for Cottage Homes**
      The use of a lot or a structure for one detached dwelling unit with reduced property development regulations. [Ord. 2018-018] [Ord. 2019-034]
   b. **Cottage Home Size**
      A maximum of 1,000 square feet per unit.
   c. **Cottage Homes in RS Zoning District**
      May be allowed in the RS Zoning District with an MR-5 or higher FLU designation, subject to Full DRO approval. [Ord. 2019-034]
   d. **Cottage Homes in MF Pod or Lot**
      If Cottage Homes are developed in an MF Pod or Lot, they shall be developed in a cluster with open space that is commonly shared by the individual tenants or owners, subject to the following: [Ord. 2019-034]
      1) **Rear Garage**
         May have garage and driveways located in the rear of each unit. [Ord. 2019-034]
      2) **Open Space**
         The units shall front on a commonly owned open space with a minimum width of 75 feet, measuring from the front façade of each unit or front porch, whichever is applicable. [Ord. 2019-034]

3. **Mobile Home Dwelling**
   a. **Definition**
      The use of a residential lot or unit for one mobile home.
   b. **Principal Use**
      Only Mobile Home Dwellings located within the MHPD Zoning District, or within an existing approved mobile home park, shall be treated as a principal use.
   c. **Accessory Use – Bona Fide Agriculture**
      One mobile home structure may be allowed accessory to a principal Bona Fide Agriculture use.
      1) **Lot Size**
         a) **AR (USA) and AGR Districts**
            A minimum of five acres.
         b) **RR-2.5, RR-5, RR-10, and AP FLU Designation**
            A minimum of ten acres.
         c) **RR-20 FLU Designation**
            A minimum of 20 acres.
      2) **Setbacks**
         A minimum of 200 feet from a public street; 100 feet from all other property lines
   3) **Mobile Home Removal Agreement**
      A removal agreement shall be executed and notarized between the Building Division and Property Owner and recorded on the property in the official records of the PBC Clerk prior to issuance of any Building Permit. The agreement shall be recorded against the property stating that the mobile home shall be removed within 30 days in the event the property is sold or the Bona Fide Agriculture operation ceases to exist.
4. **Multifamily**
   a. **Definition**
      The use of a structure designed for two or more dwelling units which are attached or the use of a lot for two or more dwelling units.
   b. **Typical Uses**
      Typical uses include apartments and residential condominiums.
   c. **Overlay – WCRAO**
      Multifamily is prohibited in the NR Sub-area per Table 3.B.14.E, WCRAO Sub-area Use Regulations.
   d. **Zoning District**
      1) **TMD District**
         AGR-TMDs shall be exempt from the integration requirement and shall comply with the Development Order approved by the BCC.
      2) **RM District**
         Multifamily units may be allowed in the RM Zoning District as follows: [Ord. 2017-025]
         a) **MR-5 FLU Designation**
            1) **Planning Determination**
               A written determination from the Planning Director that the property meets the criteria for an Infill Density Exemption in the Plan; and
            2) **Existing RM Zoning**
               The property was zoned RM prior to the 1989 adoption of the Plan.
            3) **Approval Process**
               The approval process shall be as follows:

               | Table 4.B.1.C – Approval Process |
               |----------------------------------|
               | RM District with MR-5 FLU Designation |
               | Process                                  | Units |
               |------------------------------------------|-------|
               | Class A Conditional Use                  | ≥ 24  |
               | Class B Conditional Use                  | 9-24  |
               | DRO                                       | 5-8   |
               | Permitted by Right                       | 1-4   |
               
         4) **Development Order**
         Prior approvals for Multifamily units in the RM Zoning District with MR-5 FLU designation shall be considered legal conforming uses.
   b) **HR-8, HR-12, or HR-18 FLU Designation**
      Multifamily units on parcels with an HR-8, HR-12, or HR-18 FLU designation, may be Permitted by Right unless Development Thresholds in Art. 4.A.9 are triggered. [Ord. 2017-025]
   c) **Limestone Creek**
      Multifamily units in the RM Zoning District shall be prohibited in the area bounded on the north by 184th Place North, on the south by the C-18 Canal, on the east by Central Boulevard and the municipal limits of the Town of Jupiter, and on the west by Narcissus Avenue (north of Church Street) and Limestone Creek Road (south of Church Street).

5. **Single Family**
   a. **Definition**
      The use of a lot or a structure for one detached dwelling unit.

6. **Townhouse**
   a. **Definition**
      A dwelling unit located on an individual lot and attached by at least one but no more than two party wall(s) along 50 percent of the maximum depth of the unit, to one or more dwelling units; has a continuous foundation; each on its own lot, with said party wall(s) being centered on the common property line(s) between adjacent lots.
   b. **Approval Process – RS Zoning District**
      Townhouses shall only be allowed in the RS Zoning District on parcels with LR-2 or higher FLU designation. Townhouses on parcels with an HR-8, HR-12, or HR-18 FLU designation, may be allowed subject to DRO approval.
7. Zero Lot Line Home (ZLL)
   a. Definition
      The use of a lot for one detached dwelling unit with at least one wall, but not more than two walls
      or a portion thereof, located directly adjacent to a side lot line.
   b. Approval Process – RS Zoning District
      A ZLL Home shall only be allowed in the RS Zoning District with LR-2 or higher FLU designation.
      ZLL Homes on parcels with an HR-8, HR-12, or HR-18 FLU designation, may be allowed subject
      to DRO approval.

D. General Standards for Accessory Uses
   Accessory uses shall comply with the specific Supplementary Use Standards contained in this Section.

1. Corresponding Accessory Use to a Principal Use
   Accessory uses identified in Table 4.B.1.D, Corresponding Accessory Use to a Principal Use, shall be:
   a) Permitted by Right unless stated otherwise; and
   b) Allowed to the corresponding principal use in the Table.

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</tbody>
</table>


Notes:
- Accessory use not allowed.
P Permitted by Right.
A Accessory use subject to Class A Conditional Use unless stated otherwise—See principal use and accessory use supplementary standards.
1. Farm Residence may only be accessory to Bona Fide Agriculture in the AGR and AP Zoning District.
2. Accessory uses to Single Family are Permitted by Right to a Farm Residence.
3. Limited Pet Boarding shall be allowed in the AGR and AR/RSA and AR/USA Zoning Districts only.

2. Property Development Regulations (PDRs)
   Accessory residential uses shall be subject to the PDRs of the zoning district in which the use is located
   unless stated otherwise.

3. Ownership
   Accessory residential uses shall remain under the same ownership of the principal use and shall not
   be subdivided or sold as condominium.

4. Duplicate Use
   Provided all other applicable standards in the Code are met, a principal use shall be allowed to have
   no more than one of each of the accessory uses listed in Table 4.B.1.D, Corresponding Accessory Use
   to a Principal Use, unless stated otherwise.

5. Discontinuation of Use
   An accessory use shall continue only as long as the principal use that it serves remains active.
E. Accessory Residential Use Standards

1. Accessory Quarters
   a. Definition
      A complete, separate living facility equipped with a kitchen and provisions for sanitation and
      sleeping, located on the same lot as the owner occupied principal dwelling.
   b. Building Area
      The use shall be subject to the following:
      1) On less than one acre: a maximum of 800 square feet.
      2) On one acre or more: a maximum of 1,000 square feet.
      3) The floor area calculation shall include only the living area of the Accessory Quarters under a
         solid roof.
      4) Additional floor area under a solid roof that is utilized as a porch, patio, porte-cochere, carport,
         or garage shall not exceed 500 square feet.
   c. Compatibility
      The Accessory Quarters shall be architecturally compatible in character and materials with the
      principal dwelling.
   d. Kitchen Facilities Removal
      An agreement to remove all kitchen equipment shall be executed and notarized between the
      Building Division and Property Owner and recorded on the property in the official records of the
      PBC Clerk prior to issuance of any Building Permit. The agreement shall require the kitchen to be
      removed if the principal dwelling is no longer owner occupied.
   e. No Separate Utility Service
      There shall be no separate meters for any utilities. Both, the principal dwelling and the accessory
      dwelling shall be connected to the same utilities.
   f. Design and Development Standards – Townhouse or Zero Lot Line
      A detached Accessory Quarters associated with a Townhouse or a Zero Lot Line shall be located
      in the rear of the lot with access from a street or alley.

2. Caretaker Quarters
   a. Definition
      An accessory residence used by a caretaker engaged in providing security, custodial or managerial
      services upon the premises.
   b. Building Area, Except When Accessory to Government Facilities
      The use shall be subject to the following:
      1) On less than one acre: a maximum of 800 square feet.
      2) On one acre or more: a maximum of 1,000 square feet.
   c. Occupancy
      A Caretaker Quarters shall be for the exclusive use of the site on which it is located and shall be
      occupied only by the custodian or caretaker and their family.
   d. Temporary Use
      Unless stated otherwise, a Caretaker Quarters use shall not be allowed in association with a
      temporary use.
   e. Mobile Home
      A mobile home may be used for a Caretaker Quarters only in the AGR, AP, AR, IL, IG, PO, IPF,
      and MHPD districts. A mobile home used in the AGR, AP, or AR districts, shall be subject to the
      minimum acreage requirement pursuant to Art. 4.B.1.C.3.c, Accessory Use – Bona Fide
      Agriculture. [Ord. 2018-002]
   f. Mobile Home Removal Agreement
      A removal agreement shall be executed and notarized between the Building Division and Property
      Owner and recorded on the property in the official records of the PBC Clerk prior to issuance of the
      Building Permit. The agreement shall be recorded against the property stating that the mobile home
      shall be removed within 30 days in the event the property is sold or the principal use ceases to
      exist.

3. Estate Kitchen
   a. Definition
      A second kitchen located within a principal Single Family, Zero Lot Line, or Farm Residence.
   b. Conversion to Duplex Prohibited
      A secondary kitchen may be added provided there shall not be the presence of a second complete
      and separate living environment associated with the secondary kitchen.
4. Family Day Care Home
   a. Definition
      An occupied residence in which custodial care is rendered to one to six children, inclusive, and for
      which the owner or operator receives a payment, fee, or grant for any of the children receiving care,
      whether or not operating for profit, consistent with F.S. § 125.0109 as amended.
   b. Signage
      Signs shall not be permitted.
5. Farm Residence
   a. Definition
      A dwelling unit, other than a mobile home, located on a parcel of land used for a Bona Fide
      Agriculture use and occupied by the owner or operator of the farm operation.
   b. Principal Dwelling
      One principal dwelling shall be permitted for each bona fide farm operation.
6. Farm Workers Quarters
   a. Definition
      One or more residential structures providing a complete living environment, occupied by farm
      workers who provide labor in conjunction with a Bona Fide Agriculture operations.
   b. Building Area
      One Farm Workers Quarters may be allowed for each 25 acres, subject to the following:
      1) Limited to a maximum of four beds; and
      2) The structure shall not exceed 1,000 sq. ft. GFA under a solid roof.
   c. AGR Tier
      AGR/PUD or TMD Preserve shall be allowed one dwelling unit per acre provided such units are
      clustered onto a single compact area of the preserve and are restricted to occupancy by farm
      workers. Farm Workers Quarters shall not be located on property in the AGR Tier to which no
      residential density is assigned by the FLU designation.
   d. Mobile Home Removal Agreement
      A mobile home may be used for a Farm Workers Quarters. A removal agreement shall be executed
      and notarized between the Building Division and Property Owner and recorded on the property in
      the official records of the PBC Clerk prior to issuance of the Building Permit. The agreement shall
      be recorded against the property stating that the mobile home shall be removed within 30 days in
      the event the property is sold or the Bona Fide Agriculture operation ceases to exist.
7. Garage Sale
   a. Definition
      Temporary sale of household articles, in the front yard or garage of a dwelling unit, by the occupant.
   b. Duration
      A maximum of 72 hours.
   c. Number of Sales
      A maximum of two per year per dwelling unit.
8. Groom's Quarters
   a. Definition
      On-site living quarters for persons responsible for grooming and caring for horses boarded at a
      Stable.
   b. Zoning Districts – AGR-PUD or AGR-TMD
      1) 20 Groom’s Quarters may be allowed on the Preservation Area of an AGR-PUD or AGR-TMD.
      2) For more than 20 Groom’s Quarters, the allowable density shall be decreased by one unit for
         each Groom’s Quarter and shall not exceed a maximum reduction of one-half of the number of
         dwelling units associated with the Preservation Area.
   c. Number of Groom’s Quarters
      1) 20 Acres or Less
         One Groom’s Quarters may be allowed for every four horse stalls.
      2) More Than 20 Acres
         One Groom’s Quarters may be allowed for every three horse stalls.
d. Building Area
   1) Each Unit
      Each Groom’s Quarters shall not exceed 500 square feet of GFA per unit.
   2) 20 Acres or Less
      The total GFA for all Groom’s Quarters shall not exceed 5,000 square feet per lot.
   3) Occupancy
      Shall be limited to on-site employees and members of the employees’ family only.

e. Approval Process

<table>
<thead>
<tr>
<th>Process</th>
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<tr>
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<td>DRO</td>
<td>5-20</td>
</tr>
<tr>
<td>Permitted by Right</td>
<td>4 maximum</td>
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</tbody>
</table>

f. Kitchen Facilities Removal
   Groom's Quarters may contain individual cooking facilities and/or one common dining facility. An agreement to remove all kitchen equipment shall be executed and notarized between the Building Division and Property Owner and recorded on the property in the official records of the PBC Clerk prior to issuance of Building Permit of the Groom’s Quarters. The agreement shall require the kitchen to be removed within 90 days of the unit ceasing to operate as a Groom’s Quarters.

9. Guest Cottage
   a. Definition
      An accessory sleeping quarters provided for non-paying guests by the owner/occupant of a principal dwelling unit.
   b. Building Area
      The use shall be subject to the following:
      1) On less than one acre: a maximum of 800 square feet.
      2) On one acre or more: a maximum of 1,000 square feet.
      3) The floor area calculation shall include only the living area of the Guest Cottage under a solid roof.
      4) Floor area under a solid roof that is utilized as a porch, patio, porte-cochere, or carport shall not exceed 500 square feet of GFA.
   c. Kitchen or Cooking Facilities
      There shall be no kitchen or cooking facilities in a Guest Cottage.
   d. Compatibility
      A Guest Cottage shall be architecturally compatible in character and materials with the principal dwelling unit.
   e. No Separate Utility Service
      There shall be no separate meters for any utilities. Both the principal dwelling and the Guest Cottage shall be connected to the same utilities.

10. Home Occupation
   a. Definition
      A business, profession, occupation, trade, artisan, or handcraft conducted in a dwelling unit for commercial gain by a resident of the unit. A Home Occupation shall not include those businesses that are open to the public including those required by State of Florida agencies.
   b. Incidental Nature
      Shall be clearly incidental and subordinate to the residential use of the dwelling property.
   c. Location
      With the exception of outdoor instructional services, a Home Occupation shall be conducted within the principal dwelling or off-site, and shall not be conducted within any accessory building or structure or within any open porch or carport that is attached to and part of the principal structure. Instructional services, which by their nature must be conducted outside of the principal structure, such as swimming lessons, shall be located in a rear or side yard.
   d. No Change to Character of Dwelling
      The residential character of the dwelling in terms of exterior appearance and interior space shall not be altered or changed to accommodate a Home Occupation.
e. Employees
Shall be conducted by members of the immediate family residing in the dwelling unit only. A maximum of one person who is not a member of the immediate family may assist in the operation of the Home Occupations at the residence.

f. Advertising
No external evidence or sign shall advertise, display, or otherwise indicate the presence of the Home Occupation, nor shall the street address of the Home Occupation be advertised through signs, billboards, television, radio, or newspapers. Advertising on vehicles shall be limited to the minimum necessary to meet requirements mandated by F.S. ch. 489 or Chapter 67-1876 of the PBC Contractor’s Certification Division Manual.

g. Cottage Foods
No food preparation shall be allowed, except as allowed in accordance with F.S. § 500.80, Cottage Food Operations, as amended.

h. On-Premise Sale of Goods and Services
A Home Occupation shall not involve the sale of any stock, trade, supplies, products, or services on the premises, except for instructional services or incidental retail sales where the Home Occupation is a mail order or internet business.

i. Instructional Services
Instructional services shall meet the following additional regulations:
  1) Home Instruction, Inside
     Teaching which takes place inside the dwelling unit of the instructor. Typical instruction includes music lessons and academic tutoring.
  2) Home Instruction, Outside
     Teaching which takes place outside the dwelling unit, on the property of the instructor. This type of instruction is limited to subject matter which necessitates outside instruction. Typical instruction includes tennis, swimming lessons, dog training and equestrian lessons.
  3) Hours of Operation
     Instruction shall occur only between the hours of 9:00 a.m. and 8:00 p.m. daily.
  4) Number of Students
     A maximum of three students at a time may be allowed to receive instruction during a lesson.
  5) Parking
     No more than two vehicles associated with the lessons may be allowed to be parked at the instructor’s home at any time.
  6) Resident
     The instruction must be conducted by a resident of the dwelling where lessons are provided. Only one instructor may be allowed to provide instruction.

j. Home Occupation in the AR/RSA
Additional standards and approval process apply to Home Occupation with limited Landscape Service or limited Contractor Storage Yard pursuant to this Article. [Ord. 2018-018]

k. Outside Storage
No equipment or materials used in the Home Occupation shall be stored or displayed outside of the dwelling, including driveways.

l. Nuisances
No Home Occupation shall involve the use of any mechanical, electrical, or other equipment, materials, or items which produce noise, electrical or magnetic interference, vibration, heat, glare, smoke, dust, odor, or other nuisance outside the residential building. There shall be no storage of hazardous or noxious materials on the site of the Home Occupation. [Ord. 2019-034]

m. Violations or Hazard
If any of the above requirements are violated, or if the use, or any part thereof, is determined by the Zoning Director to create a health or safety hazard, then the Business Tax Receipt may be revoked.

n. Vehicles
One business-related vehicle per dwelling unit not over one ton rated capacity may be parked at the home, provided the vehicle is registered to a resident of the dwelling, commercial vehicles are prohibited.
11. Kennel, Type 1
   a. Definition
      A residential lot with a Single Family dwelling designed or arranged to facilitate the non-commercial
care of domestic dogs and cats, owned by the occupants of the premises.
   b. Private Non-Profit
      A Type 1 Kennel may include a private non-profit animal organization that is not open to the public.
      A PBCACC Excess Animal Habitat permit shall be prohibited.
   c. Hobby Breeder
      A person who breeds up to two litters of dogs or cats or 19 dogs or cats per one-year period, on
      their property. A Hobby Breeder is further defined and regulated by the PBCACC pursuant to Ord.
      No. 98-22, as amended.

12. Limited Pet Boarding
   a. Definition
      A Single Family dwelling with accessory boarding of domestic cats or dogs not owned by the
      occupants of the premises.
   b. Approval Process
      The use shall be subject to Class A Conditional Use approval process in the AGR and AR/RSA
      and AR/USA Zoning Districts pursuant to Art. 2, Application Processes and Procedures. In addition,
      the Applicant shall submit simultaneously with the Class A Conditional Use application a letter from
      ACC confirming the Applicant’s intent to develop the proposed use in the specific location.
   c. Lot Size
      A minimum of one acre.
   d. Separation Distance
      Shall not be located within a radius of 1,000 feet of another Limited Pet Boarding use. The
      separation distance shall be measured from property line to property line.
   e. Maximum Number
      No more than a total of seven cats or dogs shall be boarded at any given time. The total number of
      cats and dogs boarded and owned by the resident of the Single Family Dwelling shall not exceed
      the maximum limits for dogs and cats established by Animal Care and Control pursuant to Sec. 4-
      22 of the PBC Code.
   f. Boarding
      Cats or dogs shall be boarded within the Single Family structure except when outdoor activities
      take place. Boarding operations not conducted within the Single Family dwelling, but in an
      accessory structure, must be a legally conforming use as of October 1, 2016.
   g. Hours
      1) Outdoor activities shall be limited to 7:00 a.m. and 9:00 p.m. unless under the restraint or
         control of a person by means of a leash.
      2) Business hours including drop-off and pickup shall be between 6:00 a.m. to 7 p.m.
   h. Outdoor Areas
      1) Cats and dogs shall be personally supervised during the outdoor activity; and
      2) Shall be set back a minimum of 25 feet from all property lines.
   i. Signage
      No signage shall be allowed to advertise the Limited Pet Boarding use.
   j. ACC Permit
      The operator of the use shall obtain Zoning Approval prior to application for an Operational Permit
      by the ACC.
A. Commercial Use Matrix

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Use Approval Process</th>
<th>PUD PODS</th>
<th>MPOD FLU</th>
<th>MPOD PODS</th>
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<td>Bed and Breakfast</td>
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<td>Catering Service</td>
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</tbody>
</table>

Subject to DRO Approval

Supplementary Use Standards

(1) Supplementary Use Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standards column.

(2) The change in use for a previously approved non-residential structure shall be Permitted by Right, if in compliance with Art. 3.B.16.E.1, Right to Continue or Change Uses.

Use Approval Process Key:

<table>
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<tr>
<th>P</th>
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<th>R</th>
<th>D</th>
<th>B</th>
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<td>Subject to BCC Approval (Class A Conditional Use)</td>
<td>Prohibited Use, unless stated otherwise within Supplementary Use Standards</td>
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Unified Land Development Code
Supplement No. 27 (Printed 03/20)
### TABLE 4.B.2.A – COMMERCIAL USE MATRIX

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#### Use Type

- **Supplementary Standards**

#### Commercial Uses

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<th>Use Type</th>
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<td>Gas and Fuel Sales, Retail</td>
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<tr>
<td>Hotel or Motel</td>
<td>19</td>
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<tr>
<td>Green Market</td>
<td>17</td>
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<tr>
<td>Kennel, Type 2 (Commercial)</td>
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<td>Kennel, Type 3 (Commercial Enclosed)</td>
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<tr>
<td>Landscape Service</td>
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<td>Laundry Service</td>
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<tr>
<td>Marina</td>
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<tr>
<td>Medical or Dental Office</td>
<td>24</td>
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<tr>
<td>Microbrewery</td>
<td>25</td>
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<td>Office, Business or Professional</td>
<td>26</td>
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<tr>
<td>Parking, Commercial</td>
<td>27</td>
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<tr>
<td>Pawnshop</td>
<td>28</td>
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<tr>
<td>Personal Services</td>
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<tr>
<td>Repair and Maintenance, Heavy</td>
<td>30</td>
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</table>

**Use Approval Process Key:**

- **P** Permitted by Right
- **D** Subject to DRO Approval
- **A** Subject to BCC Approval (Class A Conditional Use)
- **-** Prohibited Use, unless stated otherwise within Supplementary Use Standards

(1) Supplementary Use Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standards column.

(2) The change in use for a previously approved non-residential structure shall be Permitted by Right, if in compliance with Art. 3.B.16.E.1, Right to Continue or Change Uses.
### Table 4.B.2.A – Commercial Use Matrix

#### Use Type

| Use Type                                           | A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U | V | W | X | Y | Z |
| Repair and Maintenance, Light                     | A |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Repair Services, Limited                          | A |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Restaurant, Type 1                                | A |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Restaurant, Type 2                                | A |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Retail Sales                                      | A |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Self-Service Storage, Limited                     | A |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Self-Service Storage, Multi-Access                | A |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Single Room Occupancy (SRO)                       | A |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Vehicle or Equipment Sales and Rental, Heavy      | A |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Vehicle Sales and Rental, Light                   | A |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Work/Live Space                                   | A |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |

#### Use Regulations

- Subject to DRO Approval
- Subject to BCC Approval (Class A Conditional Use)
- Prohibited Use, unless stated otherwise within Supplementary Use Standards

(1) Supplementary Use Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standards column.

(2) The change in use for a previously approved non-residential structure shall be Permitted by Right, if in compliance with Art. 3.B.6 E.1, Right to Continue or Change Uses.

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### Unified Land Development Code

Supplement No. 27 (Printed 03/20)
B. General Commercial Standards

1. Bay Doors

   Unless stated otherwise in the Article or Art. 6.E. Loading Standards, service bay doors shall not face any residential use, or vacant parcel of land with a residential FLU designation, except as follows:
   a. When separated by an Arterial or Collector Street a minimum of 80 feet in width.
   b. When separated by a Local Commercial Street, provided the R-O-W Buffer is upgraded to include a minimum six-foot-high hedge.
   c. When separated by a parcel with a non-residential use such as utilities, canal R-O-W, easements, FDOT, or County drainage, a minimum of 80 feet in width, subject to the provision of a Type 3 Incompatibility Buffer with a continuous two-foot-high berm. The required wall shall be placed on the top of the berm. Canopy trees shall be one and one-half times the required tree quantity.
   d. Requests for a Type 2 Variance from Bay Doors regulations may be allowed in accordance with Art. 2, Application Processes and Procedures.
   e. When residential uses are within the same MUPD and not vertically integrated, the non-residential structure with the bay doors shall be separated from a residential structure by a minimum of 50 feet and screened from view. [Ord. 2019-005]

C. Definitions and Supplementary Use Standards for Specific Uses

1. Adult Entertainment

   a. Establishment

      Any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator, or owner exposes his/her specified anatomical area for viewing by patrons, including but not limited to: massage establishments whether or not licensed pursuant to F.S. ch. 480, tanning salons, modeling studios, or lingerie studios. The following Definitions and Supplementary Use Standards shall apply to all Adult Entertainment establishments:

   b. Definitions

      The following definitions apply for the purposes of the Adult Entertainment Establishment provisions of this Code.

      1) Adult Arcade

         Any place or establishment operated for commercial gain, which invites or permits the public to view adult material. For purposes of this Code, “adult arcade” is included within the definition of “adult theater.”

      2) Adult Bookstore/Adult Video Store

         An establishment which sells, offers for sale, or rents adult material for commercial gain and which meets either of the following two criteria:

         (a) More than 30 percent of the gross public floor area is devoted to adult material; or
         (b) More than 30 percent of the stock in trade consists of adult material.

      3) Adult Booth

         A small enclosed or partitioned area inside an Adult Entertainment establishment which is: (1) designed or used for the viewing of adult material by one or more persons; and (2) is accessible to any person, regardless of whether a fee is charged for access. The term "adult booth" includes, but is not limited to, a "peep show" booth, or other booth used to view adult material. The term "adult booth" does not include a foyer through which any person can enter or exit the establishment, or a restroom.

      4) Adult Dancing Establishment

         An establishment selling, serving, or allowing consumption of alcoholic beverages, where employees display or expose specified anatomical areas to others, regardless of whether the employees actually engage in dancing.

      5) Adult Entertainment

         a) Any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator, or owner exposes his/her specified anatomical area for viewing by patrons, including but not limited to: massage establishments whether or not licensed pursuant to F.S. ch. 480, tanning salons, modeling studios, or lingerie studios.

      b) Excluded from this definition are any educational institutions where the exposure of the specified anatomical area is associated with a curriculum or program.

      c) An establishment that possesses an Adult Entertainment license is presumed to be an Adult Entertainment establishment.
6) **Adult Material**
Any one or more of the following, regardless of whether it is new or used:
   a) Books, magazines, periodicals, or other printed matter; photographs, films, motion pictures, video cassettes, slides, or other visual representations; recordings or other audio matter; and, novelties or devices which have as their primary or dominant theme subject matter depicting, exhibiting, illustrating, describing, or relating to specified sexual activities or specified anatomical areas; or
   b) Instruments, novelties, devices, or paraphernalia which are designed for use in connection with specified sexual activities.

7) **Adult Motel**
A hotel, motel, or similar commercial establishment which offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas,” and has a sign visible from the public streets which advertises the availability of this adult type of photographic reproductions.

8) **Adult Theater**
An establishment operated for commercial gain which consists of an enclosed building, or a portion or part thereof or an open-air area used for viewing of adult material. “Adult motels,” “adult arcade,” “adult booth” and “adult motion picture theater” are included within the definition of “adult theater.” An establishment which has “adult booths” is considered to be an “adult theater.”

9) **Adult Video Store**
See Adult Bookstore.

10) **Commercial Gain**
Operated for pecuniary gain, which shall be presumed for any establishment which has received a Business Tax Receipt. For the purpose of this Code, commercial or pecuniary gain shall not depend on actual profit or loss.

11) **Educational Institution**
A premises or site within a municipality or within the unincorporated area of PBC upon which there is a governmentally licensed child care facility for six or more children, or elementary or secondary (K-12) school, attended in whole or in part by persons under 18 years of age.

12) **Employee**
Any person who works, performs, or exposes his/her specified anatomical areas in an establishment, irrespective of whether said person is paid a salary or wages by the owner or manager of the business, establishment, or premises. “Employee” shall include any person who pays any form of consideration to an owner or manager of an establishment, for the privilege to work performing or exposing his/her specified anatomical areas within the establishment.

13) **Person**
Includes an individual(s), firm(s), association(s), joint ventures(s), partnership(s), estate(s), trust(s), business trust(s), syndicate(s), fiduciary(ies), corporation(s), and all other or any other similar entity.

14) **Religious Activities**
Any daily, weekly, or periodic activity associated with or that occurs at a religious institution.

15) **Religious Institution**
A premises or site which is used primarily or exclusively for religious worship and related religious ecclesiastical or denominational organization or established place of worship, retreat, site, camp, or similar facilities owned or operated by a bona fide religious group for religious activities shall be considered a religious institution.

16) **Specified Anatomical Areas**
Less than completely and opaquely covered:
   a) Human genitals and pubic region; or
   b) the opening between the human buttocks, i.e. the anal cleft; or
   c) that portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola (the colored ring around the nipple); this definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the human
female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed; or
d) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

17) Specified Sexual Activities
a) Human genitals in a state of sexual stimulation, arousal, or tumescence; or
b) acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy; or
c) fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast; or
d) excretory functions as part of or in connection with any of the activities set forth in Subsections of Article 4.B.2.C.1.b,16)-17), Specified Anatomical Areas and Specified Sexual Activities.

c. Exclusions
Excluded from this definition are any educational institutions where the exposure of the specified anatomical area is associated with a curriculum or program.

d. License per Palm Beach County Adult Entertainment Code
1) An establishment that possesses an Adult Entertainment license as indicated in Article 4.B.2.C.1.n.1c), is presumed to be an Adult Entertainment establishment.
2) An Adult Entertainment use approved by the DRO, after March 2, 2017, shall hold a valid Adult Entertainment License pursuant to the "Adult Entertainment Code," Chapter 17, Article V of the PBC Code, as may be amended, prior to issuance of a Business Tax Receipt.

e. Review and Approval Process
1) Applications for new Adult Entertainment establishment or legal nonconforming establishments exceeding the thresholds in Article 1.F, Nonconformities, shall be subject to DRO approval.
2) An Adult Entertainment establishment shall be exempt from the requirements under Development Thresholds in this Article or any thresholds in this Code that require the use to be subject to a Conditional Use approval. [Ord. 2019-005]
3) The Zoning Director shall determine what DRO agencies shall review the application, including but not limited to the Building Division, Fire Department, and Zoning Division. DRO shall approve, approve with conditions, or deny the application within 21 days of a determination of application sufficiency as contained in Article 2.B.2, Sufficiency Review.

f. Conditions
The Zoning Director shall take into consideration DRO Agency recommended conditions that clearly implement their specific Agency Code provisions.

h. Purpose and Intent
The following standards are intended to provide for the proper location of Adult Entertainment uses in order to protect the integrity of adjacent neighborhoods, educational uses, religious uses, parks, and other commercial uses. Proper separation of Adult Entertainment uses prevents the creation of “skid-row” areas in unincorporated PBC that results from the concentration of these uses and their patrons. It is also the intent of these standards to limit the secondary effects of Adult Entertainment uses and to ensure that residential districts, religious uses, educational uses, parks, and other commercial uses are located in areas free from the secondary effects of Adult Entertainment uses. The location of residential districts, religious uses, educational uses, parks, and other commercial uses within viable, unlighted, and desirable areas supports the preservation of property values and promotes the health, safety, and welfare of the public.

i. Findings of Fact
October 1991; “Adult Entertainment Businesses in Indianapolis: An Analysis” conducted by the Department of Metropolitan Development, Division of Planning, February 1984; the “Study of the Effects of Concentration of Adult Entertainment Establishments in the City of Los Angeles” conducted by the Los Angeles City Planning Department for the Los Angeles City Council, June 1977; the study conducted by the City of Austin Texas; the “Presentation to the Orange County Commission” by the Metropolitan Bureau of Investigation (MBI) for the Ninth Judicial Circuit (Orlando area); the expert affidavit prepared for Palm Beach County by Eric Damian Kelly, Ph.D., FAICP, dated September 24, 2004; letter from Dale N. Tarvis, M.D.; “Analysis of Availability of Sites for Adult Entertainment in Palm Beach County” prepared for Palm Beach County by Duncan Associates, November 2003; Adult Entertainment Analysis for Palm Beach County, Florida, Final Report, by Cooper Planning Consultants, January 2019; the “Crime-Related Secondary Effects of Sexually-Oriented Businesses – Report to the County Attorney, Palm Beach County, Florida” prepared by Valerie Jenness, Ph.D., Richard McCleary, Ph.D., James W. Meeker, JD, Ph.D., August 15, 2007; the “Survey of Florida Appraisers – Effects of Land Uses on Surrounding Property Values” prepared for Palm Beach County by Duncan Associates, December 2007 (Report 2008); and, information from Tampa, Florida detailing the effects of Adult Entertainment establishments in the Tampa area, the BCC hereby finds the following: [Ord. 2019-034]

1) Commercial uses exist or may exist within unincorporated PBC where books, magazines, motion pictures, prints, photographs, periodicals, records, novelties, and/or other devices that depict, illustrate, describe, or relate to specified sexual activities are possessed, displayed, exhibited, distributed, and/or sold.

2) Commercial uses exist or may exist within unincorporated PBC:
   a) Where the superficial tissues of one person are manipulated, rubbed, stroked, kneaded, and/or tapped by a second person, accompanied by the display or exposure of specified anatomical areas;
   b) Where dancers, entertainers, performers, or other individuals, who, for any form of commercial gain, perform or are presented while displaying or exposing any specified anatomical area; or,
   c) Where lap dancing occurs.

3) This competitive commercial exploitation of such nudity and semi-nudity is adverse to the public's interest and the quality of life, tone of commerce, and the community environment in PBC.
   a) When the activities described in Art. 4.B.2.C.1.b, 16)-17), Specified Anatomical Areas and Specified Sexual Activities, are presented in commercial uses, other activities that are illegal, immoral, or unhealthful tend to accompany them, concentrate around them, and be aggravated by them. Such other activities include, but are not limited to, prostitution, solicitation for prostitution, lewd and lascivious behavior, possession, distribution, and transportation of obscene materials, sale or possession of controlled substances, and violent crimes against persons and land.
   b) When the activities described in Art. 4.B.2.C.1.b, 16)-17), Specified Anatomical Areas and Specified Sexual Activities, are present in commercial uses within PBC, they tend to blight neighborhoods, adversely affect neighboring businesses, lower property values, promote crime, and ultimately lead residents and businesses to move to other locations.
   c) There is a direct relationship between the display and depiction of specified anatomical areas as described in Art. 4.B.2.C.1.b, 16)-17), Specified Anatomical Areas and Specified Sexual Activities, and an increase in criminal activities, moral degradation, and disturbances of the peace and good order of the community, and the occurrence of these activities are hazardous to the health and safety of those persons in attendance and tend to depreciate the value of adjoining land and harm the economic welfare of the community as a whole. These secondary effects are adverse to the public's interest and quality of life, the tone of commerce, and the community environment in PBC.

4) Based upon these findings, the BCC finds that there are a sufficient number of available locations for new Adult Entertainment uses within unincorporated Palm Beach County.

5) Based upon these findings, it is in the interest of the health, safety, morals, and general welfare of the citizens of PBC that Adult Entertainment uses are regulated pursuant to the following standards.
j. **Separation**

There shall be no variance to the location standards contained herein.

1) **General**

An Adult Entertainment use shall be located outside of the minimum distances indicated below including properties within a municipality or within the unincorporated area of PBC:

a) **Other Adult Entertainment**
   2,000 feet.

b) **A Place of Worship**
   1,000 feet.

c) **An Educational Institution**
   1,000 feet.

d) **A Public Park**
   500 feet.

e) **A Residential Zoning District**
   Which is Designated as Residential by any Local Comprehensive Plan, 500 feet.

f) **A Cocktail Lounge**
   750 feet.

2) **Measurement of Distance**

The distance set forth above shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay housing the proposed Adult Entertainment establishment to the nearest point on the property line of the relevant Place of Worship, Educational Institution, Public Park, or residential zoning district. For the purpose of measuring the distance, also see *Art. 1.C, Rules of Construction and Measurement*, between Adult Entertainment uses, the distance shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay of the proposed or existing Adult Entertainment establishment and the nearest point on the exterior wall or bay of another Adult Entertainment establishment. Measurement shall be made in a straight line, without regard to intervening structures or objects.

3) **WCRA Overlay**

Adult Entertainment is prohibited within the boundaries of the WCRAO, as per *Art. 3.B.14.E, Use Regulations*.

k. **Subsequent Development within Location Standards**

The subsequent approval of a Development Order for a Place of Worship, Educational Institution, Public Park, or residential district within the distances outlined above shall not change the status of the Adult Entertainment use to that of a nonconforming use.

l. **Landscaping**

A Type 2 Incompatibility Buffer, pursuant to *Art. 7.C, Landscape Buffer and Interior Landscape Requirements* with Canopy trees spaced a minimum of 20 feet on center and a wall a minimum of six feet in height shall be installed along any property line that abuts a residential district.

m. **Lighting**

Outdoor low-intensity lighting shall be provided that illuminates the entire parking and vehicular use area. The lighting shall be installed on structures that do not exceed 16 feet in height from finished grade.

n. **Nonconformity**

1) **Establishment of Nonconformity**

An Adult Entertainment use shall be deemed a nonconforming use, provided the establishment:

a) Was in operation as an Adult Entertainment use, generally known and held out in the neighborhood and community as an Adult Entertainment establishment, and was open to the public as an Adult Entertainment establishment use on November 28, 1988; and

b) Possessed a valid and current Business Tax Receipt authorizing the general type of use, which would correspond to the Adult Entertainment use being claimed as nonconforming on November 28, 1988; and

c) Submitted an application for an Adult Entertainment license pursuant to the “Adult Entertainment Code,” Chapter 17, Article V of the PBC Code, as may be amended, with appropriate filing fees by August 15, 1992; and

2) Standards for Nonconformance
A nonconforming Adult Entertainment use as determined in Art. 4.B.2.C.1.n, Nonconformity, above shall be subject to the following Supplementary Use Standards, in addition to Art. 1.F, Nonconformities.

a) Landscape Buffer
The Adult Entertainment shall construct and install a Type 2 Incompatibility Buffer, as defined in Art. 7.C.2.C, Incompatibility Buffer, with Canopy trees spaced a maximum of 20 feet on center along any property line that abuts a residential district, within 90 days of the date of issuance of the Adult Entertainment license by the occupational licensing department.

b) Building Permit
If a Building Permit for exterior structural renovation or remodeling or a paving or parking permit is issued for the Adult Entertainment use, the requirements of Art. 7, Landscaping, shall apply to the entire site of the Adult Entertainment use.

3) Modification or Improvement to Site Elements
When an Adult Entertainment establishment has been determined to be a non-conforming use, or is located within a nonconforming structure, modifications or improvements to conforming or nonconforming site elements or exterior architecture shall be permitted. The total cost associated with these improvements will not be used in determining the allowable improvements to the interior of the structure, pursuant to Art. 1.F, Nonconformities.

o. Accessory Food Service in Industrial Districts
In the IL and IG Zoning Districts, food service may be allowed as an accessory use to Adult Entertainment, only in conjunction with and during the hours of operation for an adult theater or an adult dancing establishment.

p. Collocated Cocktail Lounge
A Cocktail Lounge may be Permitted by Right as a collocated use only when operated in conjunction with and during the hours of operation for an Adult Entertainment establishment.

2. Auction
a. Definition
An establishment engaged in the display and sale of merchandise to the highest bidder in an enclosed building or outdoor site.

b. Use Types
1) Indoor
All activities, display and sale of merchandise shall occur within an enclosed building, unless stated otherwise. An Indoor Auction may include an outdoor display area subject to the following:
   a) The merchandise shall be relocated to the interior of the enclosed building prior to the end of each business day;
   b) Shall not exceed ten percent of the GFA of the enclosed building;
   c) Shall comply with the minimum setbacks requirements of the applicable zoning district; and,
   d) Shall not be located in any required parking spaces, loading or vehicular use areas, fire lanes, or landscape buffers. The outdoor display area shall not encroach upon pedestrian pathways, sidewalks, or ADA accessible routes.

2) Outdoor
An Auction with all or a portion of the activity, display, and sale of merchandise occurring outdoor on-site.

c. Zoning District – AGR District
An Auction shall be limited to only farm equipment and supplies.

3. Bed and Breakfast
a. Definition
An owner-occupied Single Family dwelling that offers transient lodging and meal services only to paying guests.

b. Signage
One sign, a maximum of eight square feet in sign face area, and three feet in height, indicating the business name and contact information only may be allowed.
c. **Dwelling Modifications**
   Only exterior alterations necessary to assure safety of the structure or enhance the compatibility with the surrounding neighborhood shall be made for the purpose of providing a Bed and Breakfast. A Single Family dwelling may require structural or other modifications to ensure compliance with the applicable Building Code and Fire-Rescue regulations.

d. **Events**
   Activities such as weddings, receptions, or social events shall be prohibited, unless approved as Special Event.

4. **Car Wash**
   a. **Definition**
      A permanent establishment engaged in washing or detailing motor vehicles which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor. Detailing includes hand washing and waxing, striping, and interior cleaning.
   b. **Typical Uses**
      A Car Wash may include but is not limited to an automatic, full-service, hand wash, or self-service Car Wash.
   c. **Collocated – CG, PDD with CH FLU Designation**
      A Car Wash may be Permitted by Right when collocated with a Retail Gas and Fuel Sales establishment.
   d. **Accessory Use – CL FLU Designation**
      An Automatic Car Wash may be allowed as an accessory use to a Retail Gas and Fuel Sales subject to DRO Approval when it is located on the same lot. Auto detailing or other extended services shall be prohibited.
   e. **Zoning District – TMD**
      A maximum of one Car Wash may be allowed. The Car Wash shall be located outside the main street, and may be accessed from a secondary street, alley or from a parking lot. The Car Wash shall not be visible from the main street. [Ord. 2017-025]

5. **Catering Service**
   a. **Definition**
      An establishment primarily engaged in providing event-based food services where food and beverages are prepared and delivered for consumption off the premises.
   b. **Zoning District – CN District**
      The use shall be limited to 3,000 square feet of GFA.
   c. **Accessory Use**
      Catering Service may be Permitted by Right as an accessory use to a Restaurant limited to food preparation. The accessory use shall be limited to three delivery vehicles.
   d. **Accessory Services**
      A Catering Service may also provide personnel, serving equipment, and decorations.
   e. **Delivery Vehicles**
      Delivery vehicles shall be located at the rear of the property and screened from view when located within 100 feet of a parcel of land with residential FLU designation or use, unless blocked from view by other existing structures.

6. **Cocktail Lounge**
   a. **Definition**
      A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises.
   b. **Approval Process – CG and TDD or PDD with CH FLU**
      A Cocktail Lounge located in the CG Zoning District, or in a TDD or PDD with a CH FLU designation, may be subject to the following: [Ord. 2017-029]
      1) Permitted by Right when located outside the Separation Requirements; or [Ord. 2017-029]
      2) the BCC may allow the use within the distances established in the Separation Requirements, subject to Class A Conditional Use approval. [Ord. 2017-029]
   c. **Typical Uses**
      A Cocktail Lounge may include but is not limited to taverns, bars, nightclubs, and similar uses.
   d. **Zoning District – CN District**
      A Cocktail Lounge shall not exceed 3,000 square feet of GFA.
e. **Accessory Use**
   An accessory Cocktail Lounge to an office, Hotel, or Motel shall not exceed ten percent of the GFA.

f. **Separation Requirements**
   A Cocktail Lounge, which includes outdoor areas, shall not be located within 250 feet of a parcel of land with a residential FLU designation or use and shall be separated a minimum of 750 feet from another Cocktail Lounge. The Zoning Director may ask for a signed/sealed survey certifying that another lounge does not exist within 750 feet off the subject lounge, a residential district is more than 250 feet from the subject lounge, or the subject lounge is more than 500 feet from a school as required by the State of Florida, F.S. § 562.45, as amended. Measurement shall be taken from the structure to the property line of a residential use or FLU designation. [Ord. 2017-029]

g. **Restaurant**
   A Cocktail Lounge is distinct from a restaurant that sells alcohol when the establishment cannot qualify for a “Consumption on Premises, Special Restaurant Exemption” pursuant to the State Beverage Law.

7. **Convenience Store**
   a. **Definition**
      An establishment serving a limited market area and engaged in the retail sale of food, beverages, and other frequently or recurrently needed items for household use or consumption.

   b. **Floor Area**
      A maximum of 7,000 square feet of GFA.

   c. **Overlay – WCRAO**
      Convenience Store is prohibited in the NR, NRM, NG, and NC Sub-areas per Table 3.B.14.E, WCRAO Sub-area Use Regulations.

   d. **Zoning Districts – CN and CC**
      Shall comply with Art. 5.E.1, Major Intersection Criteria.

   e. **Collocated Use**
      A Convenience Store that is collocated with a Retail Gas and Fuel Sales shall be reviewed and approved concurrently.

8. **Dispatching Service**
   a. **Definition**
      An establishment for receiving and transmitting messages associated with the tracking of vehicles and equipment, or coordinating mobile or transportation operations, which may include storage of dispatched vehicles or equipment.

   b. **Typical Uses**
      A Dispatching Service may include but is not limited to janitorial, pest control, or emergency services; and taxi, limousine, or courier operations.

   c. **Approval Process**
      1) **CH FLU Designation and Commercial Pod of PIPD**
         A Dispatching Service may be allowed subject to DRO approval in the following situations:
         a) Limited to three service or delivery vehicles; or
         b) All dispatched vehicles are stored indoor; or
         c) Outdoor storage of vehicles is separated a minimum of 250 feet from a parcel of land with a residential FLU designation or use.

      2) A Dispatching Service without vehicles on site and limited to office only may be Permitted by Right in the zoning districts where the use is allowed.

9. **Dog Daycare**
   a. **Definition**
      An establishment which provides daytime care and training for domestic dogs. Overnight care of domestic dogs is prohibited.

   b. **ACC Permit**
      The owner or operator shall obtain Zoning approval prior to application for an ACC Operational Permit. All Dog Daycare uses shall be licensed and regulated in accordance with ACC Ord. No. 98-22, as amended.

   c. **Waste Disposal**
      A Dog Daycare shall meet the ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD, and SWA.
d. Runs and Drop-Off
   Facilities shall be subject to the following standards:
   1) Outdoor runs, outdoor play areas, and yards shall be prohibited;
   2) Adequate drop-off areas shall be provided; and,
   3) Three drop-off spaces measuring 12 feet in width by 20 feet in length shall be provided for every 50 dogs.

e. Outdoor Areas
   Outdoor activities shall be prohibited except as follows:
   1) Shall be personally supervised and under the restraint or control of a person by means of a leash;
   2) Shall only be allowed within areas designated for such activities on the Final Site Plan, unless Dog Daycare is sole use of property; and,
   3) Waste shall be picked up immediately and disposed of properly within the establishment.

10. Electric Vehicle Charging Station Facility
    a. Definitions
       A facility that provides infrastructure that supplies electric energy for the charging of electric vehicles for a fee. Electric vehicles shall include, but not limited to: battery-powered electric vehicles, plug-in hybrid electric vehicles, electric motorcycles, and fuel cell vehicles. The service is provided to the public and the facility can be manned or unmanned. [Ord. 2018-018] [Ord. 2019-034]

    b. Location Criteria for Principal Use
       1) An EVCS facility shall comply with Art. 5.E.2, Location Criteria. [Ord. 2018-018]
       2) An EVCS facility with a CL FLU designation shall comply with Art. 5.E.1, Major Intersection Criteria. [Ord. 2018-018]
       3) I-95 or Turnpike Interchanges
          A parcel with a Commercial High (CH) Future Land Use designation within 0.50 miles of an I-95 or Turnpike interchange shall be exempt from the location criteria listed above. [Ord. 2018-018]

    c. Design and Construction Standards for Stations for Principal or Accessory Use
       1) The location of the EVCS (charger and/or charging space(s) shall not be located in the following areas: [Ord. 2018-018]
          a) required loading areas; [Ord. 2018-018]
          b) required landscape buffers, islands, or medians; and, [Ord. 2018-018]
          c) Any other areas that will impede vehicular or pedestrian traffic circulation or visibility. [Ord. 2018-018]
       2) All EV parking spaces shall be a minimum of nine feet in width by 18.5 feet in length. The charging unit may be installed in front of the space or on the side. An optional pedestrian access aisle (between 18 inches to 2 feet) may be provided between the unit and the vehicle. Two adjacent EVCS spaces may utilize the same access aisle; [Ord. 2018-018]
       3) EV spaces shall be painted green, or shall be marked by green painted lines or curbs; [Ord. 2018-018]
       4) A canopy, if provided, shall not exceed 15 feet in height over the charging unit; [Ord. 2018-018]
       5) Each EV space shall be marked by a sign designating the parking space as an electric vehicle parking space, in accordance with Art. 8.B.2, Small Signs and the Manual on Uniform Traffic Control Devices (MUTCD) of the Federal Highway Administration. Each sign shall include the following information [Ord. 2018-018]
          a) Voltage and amperage levels; [Ord. 2018-018]
          b) Any applicable usage fees; [Ord. 2018-018]
          c) Safety information; and, [Ord. 2018-018]
          d) Contact information for the owner of the charging station, to allow a consumer to report issues relating to the charging station. [Ord. 2018-018]
       6) A generator, if provided, shall comply with Art. 5.B.1.A.19, Permanent Generators. [Ord. 2018-018]
d. Accessory Use
EVCS shall be permitted as an accessory use to non-residential uses when a parking space(s), equipped with EVCS infrastructure, is provided within the parking lot or vehicular service area of a principal use for public or private use. An accessory EVCS may be, Permitted by Right located in any zoning district subject to the following: [Ord. 2018-018] [Ord. 2019-034]

1) Accessory to Non-Residential Uses
Shall not exceed a maximum of 20 spaces or ten percent of the total required parking spaces for the use or, whichever is less. [Ord. 2018-018]

11. Financial Institution
a. Definition
An establishment engaged in deposit banking.

b. Typical Uses
A Financial Institution may include but is not limited to commercial banks, savings institutions, and credit unions.

c. Approval Process – CC District, PDD with CL or CLO FLU, and Commercial Pod of PUD
A Financial Institution 5,000 square feet or less in the CC Zoning District, PDD with CL or CLO FLU designation, or Commercial Pod of a PUD, may be Permitted by Right. [Ord. 2019-005]

d. Zoning Districts – CN and CLO Districts, and Neighborhood Center of TND
A Financial Institution in the CN and CLO Zoning Districts, and Neighborhood Center of a TND, shall be limited to a maximum of 5,000 square feet.

12. Financial Institution with Drive-Through Facilities
a. Definition
A Financial Institution that includes drive-through teller facilities. [Ord. 2019-005]

b. Approval Process

1) CC District, Commercial Pod of PUD, PDD with CL and CLO FLU, and TMD
A Financial Institution 5,000 square feet or less, and with three drive-through lanes or less, may be allowed subject to DRO Approval, in the following zoning districts: [Ord. 2019-005]
a) CC;
b) PDD with CL or CLO FLU designation; and, [Ord. 2019-005]
c) TMD in the Rural Tier, Exurban Tier, and the Development Area of the AGR Tier. [Ord. 2019-005]

2) CG Zoning District, PDD with CH and CHO FLU, Commercial Pod of PIPD, and TDD
A Financial Institution 5,000 square feet or less in size with three or less drive-through lanes, may be Permitted by Right, in the following zoning districts: [Ord. 2019-005]
a) CG district; [Ord. 2019-005]
b) PDD with CH or CHO FLU designation; [Ord. 2019-005]
c) Commercial Pod of a PIPD; and, [Ord. 2019-005]
d) the Development Area of an AGR-TMD. [Ord. 2019-005]

3) Single Drive-Through ATM Exception
A maximum of one drive-through ATM lane shall not be considered a drive-through lane for purposes of determining the threshold above. [Ord. 2019-005]

c. Zoning Districts – TDD
Drive-up teller units shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a main street.

13. Financial Institution – Freestanding ATM
a. Definition
An entirely automated unstaffed Financial Institution, either located in a stand-alone kiosk or the façade of a building where the owner or tenants have no managerial authority over the operation of the ATM.

b. Zoning Districts – TDD
A Freestanding ATM with a drive-through ATM lane shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a main street.

c. Thresholds
All Freestanding ATMs shall be subject to the following requirements:
1) The owner or operator shall maintain at least one manned full-service Financial Institution within Palm Beach County;
2) The structure shall not exceed 100 square feet, excluding canopies provided for decorative aesthetics or protection from weather;
3) Customer access to the interior of the structure shall be prohibited, except for transparent glass security enclosures;
4) Shall not be located within 1,000 feet of another Freestanding ATM. When within a TMD, the 1,000-foot separation distance may be reduced to accommodate a maximum of two freestanding ATMs, provided they are constructed in common public plazas; and,
5) Shall be limited to a maximum of one drive-through ATM lane.

14. Flea Market, Indoor
   a. Definition
   Retail sales within a building permanently enclosed by walls and roof, in which floor space is rented to individual merchants to display and sell goods.

15. Flea Market, Outdoor
   a. Definition
   An outdoor retail sales area in which parcels of land are rented to individual merchants to display and sell goods.

16. Gas and Fuel Sales, Retail
   a. Definition
   An establishment engaged in the sale of gasoline or motor fuels to the general public.
   b. Nonconformities
      1) Automotive Service Station or Convenience Store with Gas Sales
         A prior approval for an Automotive Service Station or Convenience Store with Gas Sales, shall correspond to Retail Gas and Fuel Sales, and any other collocated uses such as Convenience Store, or Light or Heavy Repair and Maintenance.
      2) Approvals Prior to Establishment of Location Criteria
         An Automotive Service Station or Convenience Store with Gas Sales that was a conforming use on the effective date of Ord. No. 2001-029 (August 3, 2001), shall be exempt from the Location Criteria of 1) Intersection Criteria, and 2) Separation Criteria, listed below.
   c. Approval Process – IRO District with CH FLU Designation
      Retail Gas and Fuel Sales located on a parcel with a CH FLU designation within the Core Transect Zone may be allowed subject to DRO approval.
   d. Zoning Districts – TMD
      Retail Gas and Fuel Sales shall only be allowed on sites that are within 500 feet of the perimeter of the development. Gasoline pumps shall be located at the side or rear of a building with access from an alley, interior parking area, or a street not designated as a main street.
   e. Location Criteria
      1) Intersection Criteria
         A maximum of two Retail Gas and Fuel Sales establishments may be allowed at an intersection pursuant to Art. 5.E.2.B, Intersection Criteria.
      2) Separation Criteria
         A Retail Gas and Fuel Sales establishment shall be separated from any other Retail Gas and Fuel Sales establishment pursuant to Art. 5.E.2.C.1, Separation Criteria.
      3) Major Intersection Criteria for CL FLU in U/S Tier
         Retail Gas and Fuel Sales with a CL FLU designation shall comply with Art. 5.E.1, Major Intersection Criteria.
      4) CL FLU in Rural, Exurban, Glades and Agriculture Reserve Tiers
         Retail Gas and Fuel Sales shall be located within 1,000 feet of the intersection of one Collector and Arterial Street, or two Arterial Streets, as listed in the Florida Department of Transportation (FDOT) PBC Federal Functional Classification Table.
      5) WCRA Overlay
         Retail Gas and Fuel Sales is prohibited in the NR, NRM, NG, and NC Sub-areas, per Table 3.B.14.E, WCRAO Sub-area Use Regulations.
   f. Exceptions
      a) I-95 Interchanges
         A parcel with a Commercial High (CH) Future Land Use designation within one-half mile of an I-95 Interchange shall be exempt from the Location Criteria of 1), Intersection Criteria, and 2), Separation Criteria, listed above.
b) MUPD
Retail Gas and Fuel Sales located within an MUPD may be exempt from the Location Criteria for 1) Intersection Criteria, and 2) Separation Criteria, where in compliance with the following:

1) Required perimeter landscape buffers, where located between all Retail Gas and Fuel Sales use areas, including ingress/egress, and any R-O-W or parcel of land with a residential FLU designation or use, unless obstructed from view by other existing structures; and

2) Direct access from any perimeter R-O-W abutting the MUPD shall be prohibited. All access shall be from entrances established for the overall MUPD, and comply with minimum standards for ingress/egress, stacking, turn-lanes, and pedestrian connectivity.

f. Accessory Use
Retail Gas and Fuel Sales may be allowed as an accessory use to Wholesale Gas and Fuel in industrial districts, subject to Class A Conditional Use approval, and the following:

1) Gas and fuel sold retail shall be limited to motor fuels sold wholesale;
2) Maximum of four fueling positions;
3) Maximum of one wall or freestanding sign, where permitted, not to exceed six feet in height, or 25 square feet of sign face area.
4) Wholesale Gas and Fuel Sales may include regional corporate headquarters or maintenance facility for a State-regulated public utility that sells natural gas or other similar fuels.

17. Green Market
a. Definition
Gathering of vendors for the purpose of selling fresh unprocessed fruit, vegetables, flowers, and consumable items such as coffee, bread and prepared food on a retail basis.

b. Lot Size
A minimum of one acre with the exception of lots located in the WCRAO where a minimum of one-half of an acre is required.

c. Location
Vehicular access shall be from Arterial, Collector or Local Commercial Streets.

d. Accessory Uses – Green Market
A Green Market may be allowed as an accessory use to a Community Vegetable Garden in the WCRAO and CCRT areas subject to DRO approval and the following: [Ord. 2019-005]

1) The use shall be operated by a CCRT neighborhood organization or the WCRA;
2) Items for sale shall be limited to those grown or prepared by neighborhood residents.
3) The accessory use and structure shall be limited to 30 percent of the total growing area for the Community Vegetable Garden. [Ord. 2019-005]
4) Shall be limited to the hours of 7:00 a.m. and 7:00 p.m. [Ord. 2019-005]
5) Where a Green Market is allowed as an accessory use to a Community Vegetable Garden, a six-foot-high landscape barrier, which includes but not limited to: a hedge, a vinyl-coated chain link fence with hedge, or an opaque fence shall be provided along any property line that abuts a parcel with a residential FLU designation or residential use. An accessory Green Market to an existing Community Garden, approved prior to the effective date of this amendment, that has complied with the buffer requirements of Art. 7, Landscaping, is not required to provide a six-foot-high landscape barrier. [Ord. 2019-005]

e. Duration
The use shall operate no more than three days a week.

f. Vendor Stands
The stand shall remain transportable and shall be removed from the site at the close of the market each week. Motor vehicles such as vans or small trucks may be allowed subject to the preceding removal requirements.
18. Hotel or Motel
   a. Definition
      An establishment typically licensed by the State of Florida, used, maintained or advertised as a
      place where furnished sleeping accommodations are supplied to the guest for a short period of
time.
   b. Approval Process
      1) CRE District
         May only be located in an RR FLU designation subject to a Class A Conditional Use.
      2) TMD District – U/S Tier
         The use may be Permitted by Right when located in the CH FLU designation.
   c. Zoning District – PO District
      1) An existing Hotel located in the PO District shall be considered a conforming use.
      2) Collocated Hotel
         a) Approval Process – PARK FLU
            A Hotel may be allowed as a collocated use to a PBC Regional Park with a PARK FLU,
            subject to Class A Conditional Use approval.
         b) Park Resource Base
            The Regional Park shall include a resource base which promotes heritage tourism, eco-
tourism, or is otherwise planned to attract patrons from a Countywide or greater population
            for historical, cultural, scientific, educational or other similar purposes. Such resource base
            shall be operational prior to approval of a Hotel, or approved and permitted concurrently
            with a Hotel.
         c) Conceptual Master Plan
            A Hotel shall be a component of a Conceptual Master Plan or equivalent that is approved
            by the Board of County Commissioners.
         d) Frontage and Access
            The Regional Park in which a Hotel is located shall have frontage on an Arterial or Collector
            Street(s). Vehicular access to a Hotel shall be prohibited from any residential street
            abutting the park, unless approved by the BCC as part of the Conditional Use approval for
            the Hotel.
         e) Site Plan – Affected Area
            When a site plan is not required for the overall park site, the required site plan for the Hotel
            shall regulate only the Development Area for the Hotel and access related thereto.
   d. Accessory Services
      Hotels and Motels may provide services and facilities, such as food and beverage, recreational,
      meeting or conference rooms, ballrooms and laundry.

19. Kennel, Type 2 (Commercial)
   a. Definition
      A commercial establishment, including any building or land, used for the raising, boarding,
      breeding, sale, or grooming of domesticated animals (e.g. dogs and cats), not necessarily owned
      by the occupants of the premises, for profit.
   b. ACC Permit
      The owner or operator shall obtain Zoning approval prior to application for an ACC Operational
      Permit. A Type 2 Commercial Kennel shall be licensed and regulated in accordance with ACC Ord.
      No. 98-22, as amended.
   c. Lot Size
      A minimum of two acres.
   d. Frontage
      A minimum of 100 feet fronting on and access from a Collector or Arterial Street.
   e. Outdoor Runs
      1) Setbacks
         Outdoor runs or animal exercise area shall not be located within 50 feet of any property line
         adjacent to a parcel of land with a residential FLU designation or use, or where mixed use is
         required, or 25 feet of any property line adjacent to a non-residential district.
      2) Fencing and Screening
         A minimum six-foot-high safety fence shall be required around outdoor runs. If the safety fence
         is not opaque or screened from view of adjacent properties or R-O-W, a continuous solid
opaque hedge a minimum of four feet at installation shall be provided around the outdoor run\area.

3) Waste Disposal
A Type 2 Commercial Kennel shall meet the PBCHD ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA.

f. Accessory Residential Use – AGR District
A Single Family dwelling unit may be Permitted by Right as an accessory use to a Type 2 Commercial Kennel in the AGR Zoning District.

20. Kennel, Type 3 (Commercial)
a. Definition
A commercial establishment operated entirely within an enclosed building used for the boarding, sale, or grooming of domesticated animals (e.g. dogs and cats), not owned by the occupants of the premises, for profit.

b. ACC Permit
The owner or operator shall obtain Zoning approval prior to application for an ACC Operational Permit. A Type 3 Commercial Kennel shall be licensed and regulated in accordance with ACC Ord. No. 98-22, as amended.

c. Maximum Square Footage
Shall not exceed 3,000 square feet in the CC and TMD districts, or 7,500 square feet in any other zoning district the use is allowed.

d. Standards
All use areas shall be within an enclosed building constructed, maintained and operated so that no noise or odor nuisances related to the kennel operations can be detected outside the building. With exception to designated drop off areas, no outdoor runs, playgrounds, walking areas, yards or similar uses shall be permitted.

e. Waste Disposal
A Type 3 Commercial Kennel shall meet the PBCHD ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA.

21. Landscape Service
a. Definition
An establishment engaged in the maintenance or installation of landscaping. [Ord. 2019-039]

b. Typical On-Site Activities
Includes administrative office; customer and employee parking; and, storage or parking of landscape vehicles, chemicals, fertilizers, landscape materials, and equipment. [Ord. 2019-039]

c. Typical Off-Site Activities
May include, but are not limited to: lawn mowing; trimming of vegetation including trees, shrubs, or hedges; irrigation; fertilizer application; leaf blowing; landscaping design; maintenance; or installation. [Ord. 2019-039]

d. Common Operations Area
A common area that is shared between the Nursery and the Landscape Service, which may include, but is not limited to: drive aisles; customer parking; and, structures that are commonly shared between the Nursery and the Landscape Service. It shall not include areas, structures, or facilities which serve solely the Landscape Service (On-Site Activities). [Ord. 2019-039]

e. Nursery Growing Area
Consists of an area(s) used solely for the propagation, cultivation, growing, storage, and staging of plants. [Ord. 2019-039]

f. Easements
The Applicant may allocate drainage or street/canal right-of-way easements to the Common Operations, Nursery, or Landscape Service Areas based on their proximity to each respective area and the purpose and scope of the easement, subject to the approval by the DRO. [Ord. 2019-039]

g. AR District in RSA
Shall by permitted subject to applicable requirements of a Home Occupation pursuant to Art. 4.B.1.E.10, Home Occupation; Art. 4.B.2.C.21.h, Collocated Use; or, as a Principal Use subject to the additional requirements as follows: [Ord. 2019-039]
1) Shall be located on a Collector or Arterial Street; and [Ord. 2019-039]
2) Shall be on a minimum of three acres. [Ord. 2019-039]
h. Collocated Use
   Shall be allowed only in conjunction with a Retail or Wholesale Nursery, and both uses shall be operated under the same ownership, subject to the following: [Ord. 2019-039]
   1) AGR, AP, CN, CRE, and PO Zoning Districts
      a) Approval Process – Full DRO
         (1) A minimum of 50 percent of the lot area shall be Retail or Wholesale Nursery; [Ord. 2019-039]
         (2) A maximum of 30 percent of the lot area or one and one-half acres, whichever is less, shall be Landscape Service (On-Site Activities); and, [Ord. 2019-039]
         (3) The areas designated for Common Operations Area shall be a maximum of 20 percent of the lot area. [Ord. 2019-039]
      b) Approval Process – Class A Conditional Use, except the AGR Zoning District
         (1) A minimum of 50 percent of the lot area shall be Retail or Wholesale Nursery; [Ord. 2019-039]
         (2) A maximum of 45 percent of the lot area or two acres, whichever is less, shall be Landscape Service (On-Site Activities); and, [Ord. 2019-039]
         (3) The areas designated for Common Operations Area shall be a maximum of 20 percent of the lot area. [Ord. 2019-039]
   2) CC or CG Zoning Districts
      a) Approval Process – Full DRO
         (1) A minimum of 50 percent of the lot area shall be Retail and/or Wholesale Nursery; [Ord. 2019-039]
         (2) A maximum of 30 percent of the lot area or one and one-half acres, whichever is less, shall be Landscape Service (On-Site Activities); and, [Ord. 2019-039]
         (3) The area designated for Common Operations Area shall be a maximum of 20 percent of the lot area. [Ord. 2019-039]
   3) IL, IG, and IND/L, COM, or IND/G Pods of a PIPD Zoning District
      A Landscape Service use may be Permitted by Right when collocated with Wholesale or Retail Nursery. [Ord. 2019-039]
   4) AR/RSA Zoning District
      a) Shall be on a minimum of three acres; and [Ord. 2019-039]
      b) Approval Process
         A Landscape Service shall be subject to a Class A Conditional Use approval process, unless stated otherwise below: [Ord. 2019-039]
            (1) Exception
               A Landscape Service may be subject to the Full DRO process if the Applicant submits an application within 180 calendar days of the effective date of Ordinance 2019-039 and provides sufficient evidence that the Landscape Service existed on the subject property prior to that date. [Ord. 2019-039]
            c) Lot Size Greater Than or Equal to Three Acres and Less Than or Equal to Five Acres
               The area(s) designated for Landscape Service (On-Site Activities) shall be a maximum of 30 percent of the Growing Area or one acre, whichever is less. [Ord. 2019-039]
            d) Lot Size Greater Than Five Acres
               The area(s) designated for Landscape Service (On-Site Activities) shall be a maximum of 30 percent of the Growing Area or one and one-half acres, whichever is less. [Ord. 2019-039]
   5) AR/USA, RE, RT, RM, RS, UC, UI, CH-MUPD, CH-MXPD, NC-TND, and TMD within the U/S, Rural, or Exurban Tiers
      a) Shall be on a minimum of three acres; and [Ord. 2019-039]
      b) Approval Process – Class A Conditional Use
         (1) The area(s) designated for Landscape Service (On-Site Activities) shall be a maximum of 30 percent of the Growing Area or one acre, whichever is less. [Ord. 2019-039]

i. Hours of Operation
   Landscape Service shall be prohibited to operate on Sundays within the Agricultural Residential (AR) Zoning District. [Ord. 2019-039]
j. **Landscape Buffer**

A Compatibility Buffer shall not be required if the use is adjacent to a property with an existing agriculture use pursuant to Art. 4.B.6, Agricultural Uses. [Ord. 2018-018] [Ord. 2019-039]

1) **AGR and AP Zoning District**

R-O-W and Incompatibility Buffers shall be required in accordance with the requirements for the Wholesale or Retail Nursery. [Ord. 2019-039]

k. **Yard Waste Storage**

Landscape Service with storage of yard waste shall front on a Collector or Arterial Street, and shall comply with the following requirements:

1) **Setbacks**

Loading and service areas shall be located a minimum of 50 feet from all property lines and 100 feet from adjacent property with residential use or FLU designation.

2) **Standards**

a) Only one yard waste storage area shall be permitted on site;

b) Shall not exceed 30 by 40 feet;

c) Yard waste shall be screened on three sides by a wall with a maximum height of 12 feet. The open end of the wall shall not face any property with residential use or FLU designation;

d) Yard waste piles shall not exceed the height of the wall;

e) Surface of the storage area shall be paved with concrete and have positive drainage; and,

f) Yard waste that is not generated by the Landscape Service shall be prohibited on site.

l. **Home Occupation**

A limited Landscape Service, not including yard waste or landscape installation services, may be allowed as a Home Occupation subject to the requirements of Art. 4.B.1.E.10, Home Occupation. [Ord. 2018-018]

1) **Exception – AR/RSA Zoning District**

A limited Landscape Service on a lot three acres or more may be allowed as follows: [Ord. 2018-018]

a) Subject to DRO approval through the ZAR process prior to issuance of a Business Tax Receipt. [Ord. 2018-018]

b) A maximum of three persons living outside of the home may be employed under the DRO approval. [Ord. 2018-018]

c) Outdoor Storage shall be limited to equipment such as lawnmowers, hedgers, weed eaters, and a small trailer. Storage shall not include heavy equipment such as bobcats, loaders, dump trucks, or heavy equipment trailers. [Ord. 2018-018]

d) Storage areas shall be screened from view from any R-O-W or parcel of land with a residential FLU designation or use through the use of opaque fences, walls or existing or newly planted native vegetation. [Ord. 2018-018]

e) Parking spaces shall be provided for every employee in addition to the spaces required for a Single Family. All vehicle parking or storage areas shall utilize improved surfaces such as asphalt, pavement or shell rock. [Ord. 2018-018]

2) Home Occupation having Landscape Service shall be exempt from the Incompatibility Buffer requirements. [Ord. 2018-018]
22. Laundry Service
   a. Definition
      An establishment that provides washing, drying, dry-cleaning, or ironing services or machines to
      be used by customers on the premises, or that is engaged in providing cleaning services.
   b. Typical Uses
      A Laundry Service may include but is not limited to coin laundry establishments, laundromats,
      neighborhood cleaners and dry cleaners, and industrial cleaning facilities serving commercial
      cleaners or the hospitality industry.
   c. Approval Process
      1) In all commercial zoning districts including Commercial Pod of PIPD and PUD, where the use
         is allowed, the use may be:
         a) Permitted by Right if less than 3,000 square feet of GFA.
         b) Allowed subject to DRO Approval if less than 5,000 square feet of GFA.
      2) **Industrial Districts, Except Commercial Pod of a PIPD**
         May be allowed subject to DRO approval if less than 15,000 square feet of GFA.
   d. Zoning District – CN
      The use shall not exceed 3,000 square feet of GFA.
   e. **Zoning Districts – Industrial Except Commercial Pod of a PIPD**
      1) The use shall be limited to facilities serving the hospitality industry and commercial cleaner
         centers; and
      2) Shall not include customer drop-off or pick-up on-site, or utilize customer-operated machinery.
   f. Business Vehicles
      Shall not be parked or stored in required parking spaces.
   g. Environmental Approval
      Prior to issuance of a Building Permit, Laundry Service Permitted by Right shall provide
      documentation demonstrating that the use is approved by ERM.

23. Marina
   a. Definition
      A commercial establishment related to boating, located on a navigable waterway.
   b. Typical Uses or Activities
      A Marina may include, but is not limited to servicing, fueling, pumping-out, chartering, launching,
      dry-storage of boats and boating equipment, dockage, yacht clubs, charter boat operations, and
      boatels.
   c. Setbacks
      Dry storage of boats and other Marina related uses may be set back zero feet from the water's
      edge.
   d. Boatel Units
      A boat used as a hotel or motel unit. The total number of units shall be prorated on the basis of one
      unit per 1,000 square feet of dry land.
   e. **Boat Facility Siting Plan**
      Any marine facility with five or more slips shall comply with the Boat Facility Siting Plan of the Palm
      Beach County Manatee Protection Plan.

24. Medical or Dental Office
   a. Definition
      An establishment where patients, who are not lodged overnight, are admitted for examination,
      elective surgical care, immediate but not emergent care or treatment by persons practicing any
      form of healing or health-building services whether such persons be medical doctors, chiropractors,
      osteopaths, podiatrists, naturopaths, optometrists, dentists, or any such profession, the practice of
      which is lawful in the State of Florida.
   b. Typical Uses
      A Medical or Dental Office may include, but is not limited to, an Ambulatory Surgical Center or
      urgent care center.
   c. **INST FLU Designation**
      A Medical or Dental Office may be allowed subject to DRO approval, within the boundaries of the
      following five Site Specific FLUA amendments:
      3) SCA 2009-002, Atlantic/Sims Medical Office, Ord. No. 2009-008;
4) LGA 2010-014, Suess Institutional (Southern & Seminole Pratt and Whitney), Ord. No. 2010-031; and,
5) LGA 2012-002, AGR Boynton Beach Institutional, Ord. No. 2012-017.

d. **Zoning Districts – CN, CLO, and CHO**
   Permitted by Right when not exceeding 3,000 square feet of GFA. [Ord. 2018-018]

25. **Microbrewery**
   a. **Definition**
      An indoor establishment engaged in the production and packaging of alcohol for distribution, wholesale or retail on or off premise.
   b. **Approval Process**
      1) A Microbrewery limited to 5,000 square feet of GFA, where allowed in commercial and mixed use zoning districts, may be Permitted by Right; or
      2) A Microbrewery located in the CG Zoning District or in a TDD or PDD with a CH FLU designation, may be Permitted by Right when in compliance with the separation distance below.
   c. **Zoning Districts – Commercial and Mixed Use Zoning Districts**
      Where permitted, Microbreweries shall be subject to the following:
      1) **Commercial Districts**
         No more than 50 percent of the total GFA shall be used for brewery manufacturing or production, including packaging with the balance consisting of office, retail sales and taprooms, or other permitted collocated uses.
      2) **Industrial Districts**
         No more than 30 percent of the total GFA shall be used for accessory office, retail sales, or taprooms.
   d. **Accessory Uses – Taproom**
      A Microbrewery where allowed in industrial zoning districts, FLU, and Pods, excluding the Commercial Pod of a PIPD, may include a taproom, subject to the following:
      1) A taproom shall be limited to the purchasing or consumption of alcoholic beverages produced on-site;
      2) Guest taps, consisting of alcohol not produced on-site, may be allowed in conjunction with a tap room not to exceed 30 percent of the number of taps or on-site production;
      3) Food service may be permitted; and,
      4) Hours of operation shall be limited from 5:00 p.m. to 10:00 p.m. weekdays and 11:00 a.m. to 10:00 p.m. weekends.
   e. **Separation Distance**
      1) A Microbrewery with accessory taproom shall not be located within 500 feet from a School as required by F.S. § 562.45, as periodically amended.
      2) A Microbrewery in an MUPD with a CL FLU designation shall be separated a minimum of 750 feet from another Microbrewery.

26. **Office, Business or Professional**
   a. **Definition**
      An establishment providing executive, management, administrative, or professional services.
   b. **Typical Uses**
      A Business or Professional Office may include but is not limited to property and financial management firms; employment, travel, advertising, or real estate agencies; pay day lending offices, check cashing services and currency exchange agencies; contract post offices; professional or consulting services; and, business offices of private companies, utility companies, public agencies, and trade associations.
   c. **Approval Process**
      The use may be Permitted by Right if limited to the following:
      1) A maximum of 10,000 square feet of GFA per parcel in the CN Zoning District.
      2) A maximum of 15,000 square feet of GFA per parcel in the CLO Zoning District.
      3) A maximum of 20,000 square feet of GFA per parcel in the CC Zoning District.
d. **Employment Agencies**  
Business or Professional Offices that include employment agencies for temporary day or manual labor service for the construction, maintenance, agricultural or industrial trades, shall be subject to the additional standards:  
1) **Westgate Overlay**  
   Shall be prohibited within the boundaries of the WCRAO, as per Table 3.B.14.E, WCRAO Sub-area Use Regulations.  
2) **Outdoor Activities**  
   Outdoor loitering, waiting, or seating shall be prohibited on site. Outdoor seating areas may be allowed provided the site includes one or more architectural focal points such as fountains, architectural shaded structures, or gazebos.

e. **Accessory Office**  
Business or Professional Office Supplementary Use Standards shall not apply to:  
1) A temporary office in temporary structures associated with the construction of a building or real estate sales;  
2) Areas of a building dedicated to the administrative operation of a use listed in the Use Matrix.

27. **Parking, Commercial**  
   a. **Definition**  
      An establishment used for temporary parking or storage for motor vehicles as a principal use, for a fee.  
   b. **Proximity to Residential**  
      Commercial Parking shall not be located within 200 feet of a parcel of land with a residential FLU designation or use, except as follows:  
      1) The perimeter landscape buffer along the applicable lot line complies with the minimum standards for a Type 3 Incompatibility Buffer; and  
      2) Building openings used by vehicles and unglazed architectural openings shall not face a parcel of land with a residential FLU designation or use.  
   c. **Access**  
      Access from a Residential Street shall be prohibited.

28. **Pawnshop**  
   a. **Definition**  
      An establishment at which a pawnbroker, as defined in F.S. § 539.001(2)(i), does business.  
   b. **Separation Distance**  
      Shall be located a minimum of 2,000 feet from another pawnshop.  
   c. **Setbacks**  
      Shall be set back a minimum of 150 feet from any parcel of land with a residential FLU designation or use.  
   d. **Hours of Operation**  
      Shall not be open to the public prior to 7:00 a.m. or later than 10:00 p.m. daily.

29. **Personal Services**  
   a. **Definition**  
      An establishment engaged in the provision of recurrent services of a personal nature, or, the provision of informational, instructional, personal improvement or similar professional services.  
   b. **Typical Uses**  
      Personal Services may include but are not limited to art, music and driving schools, beauty salon, barbershops, licensed therapeutic massage studios, photography studios, spas, saunas, tattoo parlors, diet and weight reducing centers, pet grooming, and tanning salons.  
   c. **Approval Process – CN District**  
      The use may be Permitted by Right in the CN Zoning District, when limited to 3,000 square feet of GFA.  
   d. **Accessory Use**  
      Personal Services may be Permitted by Right as accessory to Business or Professional Office; or Medical or Dental Office in CLO and CHO Zoning Districts and PDDs with CLO and CHO FLU designation.  
   e. **Sale or Dispensing of Controlled Substances**  
      The limited accessory retail sale of products does not include the sale or dispensing of controlled substances, unless in compliance with the requirements for Medical or Dental Office, or General Retail Sales.
30. Repair and Maintenance, Heavy
   a. Definition
      An establishment engaged in the repair and maintenance of automobiles, recreational vehicles, boats, motorcycles, personal watercraft; or the repair and maintenance of heavy equipment or machinery, commercial vehicles or trailers, marine vessels, or similar; or media blasting, paint stripping, and paint or body work.
   b. Typical Uses
      Heavy Repair and Maintenance may include but is not limited to:
      1) Machine shops, welding services, engine and transmission shops, radiator shops;
      2) Paint or body shops, collision damage repairs and frame straightening, fiberglass repair, media blasting or paint stripping, powder coating, and steam cleaning;
      3) Garages for general engine type repair including rebuilding, repairing or removing engines, transmissions, starters, alternators, radiators, air conditioners, compressors, brake systems, hydraulics, fuel systems, cooling systems, exhaust, electrical or electronic systems, propulsion systems, drive train, and steering systems; or,
      4) Any Light Repair and Maintenance Use, which involves any of the above or requires outdoor storage or activities.
   c. Overlays – Westgate Community Redevelopment Area Overlay (WCRAO)
      Heavy Repair and Maintenance uses are prohibited in the NR, NRM, NG, and NC Sub-areas, as outlined in Table 3.B.14.E, WCRAO Sub-area Use Regulations.
   d. Setbacks
      No repair or maintenance building, structure or activity shall be allowed within 100 feet of a parcel of land with a residential FLU designation or use.
   e. Nuisances
      1) Enclosed Repair Activities
         All repair and maintenance activities shall be conducted within an enclosed structure, except in the IL and IG districts, and PDDs with an IND FLU designation, where in compliance with Art. 5.B.1.A.3, Outdoor Storage and Activities.
      2) Vehicle or Equipment Testing on Residential Streets
         Testing of vehicles or equipment shall be prohibited on residential streets.
   f. Outdoor Parking or Storage
      1) The outdoor storage of disassembled vehicles, equipment or parts shall be prohibited, except in the IL and IG districts, and PDDs with an IND FLU designation.
      2) All vehicles or equipment shall be parked in designated storage areas, except for the following:
         a) Automobiles dropped off by customers may be temporarily parked in designated parking spaces, not to exceed a maximum of one 24-hour period; and
         b) Automobiles placed for customer pickup may be temporarily parked in designated parking spaces, not to exceed a maximum of one 24-hour period.

31. Repair and Maintenance, Light
   a. Definition
      An indoor establishment engaged in the minor repair or maintenance of automobiles, light duty commercial vehicles rated one ton capacity or less, boats, motorcycles, personal watercraft, golf carts, mopeds, lawn mowers, major household appliances, or household furniture.
   b. Typical Uses
      Light Repair and Maintenance establishments may include but are not limited to tune-up stations, glass shops, quick-lube stations, muffler shops, upholstery shops, tire installation and service, alignment shops, replacement of brake linings, and lawn mower repair and maintenance.
   c. Overlay – Westgate Community Redevelopment Area Overlay (WCRAO)
      Light Repair Maintenance uses are prohibited in the NR, NRM, NG, and NC Sub-areas, as outlined in Table 3.B.14.E, WCRAO Sub-area Use Regulations.
   d. Zoning Districts – CN and CC District and Commercial Pod of PUD
      Shall be limited to a maximum of 5,000 square feet of GFA.
   e. Accessory Use
      Light Repair and Maintenance may be Permitted by Right as an accessory use to Heavy Repair and Maintenance.
   f. Setbacks
      No repair or maintenance building, structure or activity shall be allowed within 100 feet of any parcel of land with a residential FLU designation or use.
g. Nuisances
   1) Enclosed Repair Activities
      All repair and maintenance activities shall be conducted within an enclosed structure.
   2) Vehicle or Equipment Testing on Residential Streets
      Testing of vehicles, equipment or other similar shall be prohibited on residential streets.

h. Outdoor Parking or Storage
   1) The outdoor storage of disassembled vehicles, equipment or parts shall be prohibited.
   2) All vehicles or equipment shall be stored in designated storage areas, except for the following:
      a) Automobiles dropped off by customers may be temporarily parked in designated parking
         spaces, not to exceed a maximum of one 24-hour period; and
      b) Automobiles placed for customer pickup may be temporarily parked in designated parking
         spaces, not to exceed a maximum of one 24-hour period.

32. Repair Services, Limited
   a. Definition
      An establishment engaged in the minor repair of personal apparel or household appliances, and
      similar items.
   b. Typical Uses
      Limited Repair Services may include but are not limited to apparel repair and alterations, small
      appliance repair (excluding major appliances such as washers and dryers, refrigerators, stoves and
      dishwashers), bicycle repair, clock and watch repair, and shoe repair shops.
   c. Zoning Districts – CN District, Commercial Pod of PUD, and TND Neighborhood Center
      Shall be limited to a maximum of 3,000 square feet of GFA.
   d. Enclosed Repair Activities
      All repair activities shall be conducted within an enclosed structure.
   e. Storage
      Outdoor storage shall be prohibited.

33. Restaurant, Type 1
   a. Definition
      An establishment equipped to sell food and beverages in one of the following methods: drive-
      through sales to patrons in automobiles for takeout who place orders through a window or remote
      transmission device; or sales to patrons for takeout or dining in, that includes three or more of the
      following: food or beverage choices are advertised on a menu board; countertop sales where
      payment is made prior to consumption; disposable containers and utensils; limited service dining
      facilities with no hostess or waiters; and, self-service or prepackaged condiments.
   b. Approval Process
      1) DRO Approval
         A Type 1 Restaurant without a drive-through where the use is allowed provided the GFA
         including outdoor dining areas does not exceed 5,000 square feet.
      2) Permitted by Right
         A Type 1 Restaurant without a drive-through or located in an out parcel, may be Permitted by
         Right in any PDD or TDD with a commercial or institutional FLU designation, or Pod; the
         Commercial or Recreation Pod of a PUD, MHPD, or RVPD; and, all commercial zoning districts,
         provided the GFA including outdoor dining areas does not exceed 1,500 square feet.
   c. Tier Specific – Exurban and Rural
      A Type 1 Restaurant shall comply with the following:
      1) Shall not be the sole use on the property;
      2) Shall be located in an MUPD or TDD;
      3) Shall not have direct ingress/egress to an adjacent Arterial or Collector Street. Ingress/egress
         shall be from the interior of the overall vehicular circulation system for the development or
         interior streets, whichever is applicable; and,
      4) Shall comply with the design requirements outlined under Art. 4.B.2.C.33.f.3), Location Criteria,
         Exceptions.
   d. Zoning Districts – TMD
      A Type 1 Restaurant shall be limited to:
      1) 5,000 square feet of indoor dining area, for a maximum of 6,500 square feet of GFA.
      2) Located in an outparcel or freestanding building; or
      3) A drive-through, unless it is located in the rear of a building, with access from an alley or the
         interior of a parking area, and is covered by a canopy or the second story of a building.
e. **Accessory Alcohol Sales**
A Type 1 Restaurant may include the on-premises sale, service and consumption of alcoholic beverages as an accessory use.

f. **Location Criteria**
A Type 1 Restaurant with a drive-through shall be subject to the following:

1) **Intersection Criteria**
A maximum of two Type 1 Restaurants shall be permitted at an intersection in accordance with Art. 5.E.2.B, Intersection Criteria.

2) **Separation Criteria**
A Type 1 Restaurant shall be separated from any other Type 1 Restaurant in accordance with Art. 5.E.2.C.2, Separation Criteria.

3) **Exceptions**

   a) **Design Criteria**
   A Type 1 Restaurant may be exempt from the location criteria if the site is designed to:
   address the additional trips associated with a drive-through restaurant; as well as enhance pedestrian circulation, safety and accessibility while limiting vehicular circulation using exemplary site design and architectural treatment that incorporates the following:
   
   (1) Drive-through facilities, including queuing and by-pass lanes that run parallel and are visible from adjacent streets, shall provide additional landscaping to mitigate views of the vehicular use areas.
   
   (2) If located in a non-residential Planned Development District or a Commercial Pod, all the required parking spaces shall be located in close proximity to the restaurant that they serve. Required parking shall not be separated from the restaurant main entrance by a distance of more than 150 feet. The Applicant may request an increase to this distance up to a maximum of ten percent of the dimensional requirement through a Type 1 Waiver;
   
   (3) If located in Standard Zoning Districts and required by the Zoning Director, cross-access shall be provided to all abutting parcels that have commercial FLU designation. If required, the cross-access easement shall be recorded prior to Final Approval by the DRO. The Zoning Director may elect not to require the cross-access easement based on review of the existing or approved use for the abutting property.
   
   (4) Consideration shall be given to site design that promotes a safe pedestrian environment and addresses vehicular circulation and maneuvering. A restaurant located on a single parcel with a Standard Zoning District is allowed continuous vehicular circulation:
   
   (a) on all four sides of the building if the site is limited to only one access point to the subject property; or
   
   (b) on all three sides of the building if site is limited to two access points to the subject property.
   
   (5) Landscape plans and architectural elevations shall be required as part of any application for a Conditional Use, or any DOA affecting the items listed herein.

   b) **MUPD**
   A Type 1 Restaurant located within an MUPD may be exempt from the Location Criteria of 1) Intersection Criteria, and 2) Separation Criteria, where in compliance with the following:
   
   (1) Required perimeter landscape buffers, where located between all Type 1 Restaurant areas, including ingress/egress, and any R-O-W or parcel of land with a residential FLU designation or use, unless obstructed from view by other existing structures; and
   
   (2) Direct access from any perimeter R-O-W abutting the MUPD shall be prohibited. All access shall be from entrances established for the overall MUPD, and comply with minimum standards for ingress/egress, stacking, turn-lanes, and pedestrian connectivity.

g. **Major Intersection Criteria for CL FLU**
A Type 1 Restaurant with a CL FLU designation shall comply with Art. 5.E.1, Major Intersection Criteria, unless the restaurant meets the requirements of one or more of the following: Art. 4.B.2.C.33.b.1), DRO Approval, Art. 4.B.2.C.33.b.2), Permitted by Right, is located within a TMD, or complies with the design requirements outlined under Art. 4.B.2.C.33.f.3), Exceptions.

h. **Outdoor Dining**
Shall comply with the principal structure setbacks.
34. Restaurant, Type 2
   a. Definition
      An establishment with no drive-through, equipped to sell food and beverages, served and
      consumed primarily on the premises, that includes three or more of the following: host or hostess
      assists patrons upon entry; food and beverage choices are offered from a printed menu provided
      by wait staff at a table; orders are taken at the table; food is served on dishes and metal utensils
      are provided; and, payment is made after meal consumption.
   b. Approval Process – DRO Approval
      1) CLO and CHO Districts; PDDs with a CLO or CHO FLU; TNDs NC
         A Type 2 Restaurant less than 3,000 square feet of GFA per establishment including outdoor
         dining areas, may be approved by the DRO, provided the total of all Type 2 Restaurants do not
         exceed 30 percent of the GFA of the development.
      2) CHO District; and PDDs with a CHO FLU
         If contained in an office, hotel, or motel structure that does not exceed 30 percent of the GFA
         of the structure, or 5,000 square feet, whichever is less, may be approved by the DRO.
      3) CRE District; PDDs with a CL or CR FLU; PUD Commercial Pods and PIPD Commercial
         Pod
         A Type 2 Restaurant less than 5,000 square feet of GFA per establishment, including outdoor
         dining areas, may be approved by the DRO.
   c. Zoning Districts – TND and TMD
      Take out windows designed for vehicular use are prohibited unless located in the rear of a building,
      with access from an alley or the interior of a parking area, and covered by a canopy or the second
      story of a building.
   d. Accessory Alcohol Sales
      A Type 2 Restaurant may include the on-premises sale, service and consumption of alcoholic
      beverages as an accessory use.
   e. Accessory Take Out Service
      Take out service may be allowed as an accessory use provided there are no vehicle take out
      windows that include exterior menu boards, queuing lanes or order services.
   f. Outdoor Dining
      Shall comply with the principal structure setbacks.

35. Retail Sales
   a. Definition
      An establishment providing general retail sales or rental of goods, but excluding those uses
      specifically classified as another Use Type.
   b. Typical Uses
      Retail Sales may include but are not limited to clothing stores, bookstores, business machine sales,
      food and grocery stores, window tinting, marine supply sales (excluding boat sales), auto
      accessories and parts, building supplies and home improvement products, monument sales,
      printing and copying, pharmacies and medical marijuana dispensing facilities. Uses shall also
      include the sale of bulky goods such as household goods, lawn mowers, mopeds. [Ord. 2017-028]
   c. Zoning Districts
      1) TND District
         In a Neighborhood Center, Retail Sales shall not exceed 5,000 square feet of GFA per
         establishment.
            a) A maximum of 40,000 square feet of GFA for a food store or 20,000 square feet of GFA
               for a food store when the TND is developed as part of a TTD.
            b) In a Multifamily building with more than 50 units, a “corner store” may be allowed, provided
               it does not exceed 1,000 square feet of GFA and is integrated into the building and at a
               corner location.
      2) TMD District
         a) In a TMD, a single establishment shall not exceed the following:
            (1) 100,000 square feet of GFA in the U/S Tier;
            (2) 50,000 square feet of GFA in the Exurban and Rural Tiers; and,
            (3) 65,000 square feet of GFA in the AGR.
         b) A drive-through facility for a drug store is allowed subject to the following:
            (1) If located in the rear of a building;
(2) Access shall be from an alley, an interior parking area, or a street not designated as a Main Street; and, 

(3) The drive-through facility shall be covered by a canopy or the second story of a building.

3) **CN District**
   Shall be limited to a maximum of 3,000 square feet of GFA per establishment.

d. **Outdoor Display Areas – Monument Sales**
   An outdoor display area for the Retail Sale of monuments, gravestones, markers, or headstones for placement on graves shall be exempt from the provisions in Art. 5.B.1.A.3, Outdoor Storage and Activities when located in a designated display area on the Final Site Plan.

e. **Fireworks**
   The retail sale or storage of fireworks as a principal use in any commercial district is prohibited. [Ord. 2018-002]
   1) **Exception**
      Temporary sale of sparklers, subject to a DRO approval through the ZAR process.

f. **Sale or Dispensing of Controlled Substances – Pharmacy**
   A pharmacy shall be subject to the following:
   1) No more than 15 percent of the total number of prescriptions filled within a 30-day period can be derived from the sale of controlled substances that are identified in Schedule II in accordance with F.S. § 893.03, and as further amended by F.S. § 893.035, F.S. § 893.0355, or F.S. § 893.0356, as determined by audits or information provided through the Florida Department of Health or any other government agency having the legal right to view such records.

g. **Collocated Use**
   A Retail Sales use may be Permitted by Right in the IL, IG, PO, IPF Zoning District or MUPD with an INST FLU designation when collocated to an Animal Shelter. [Ord. 2018-018]

h. **Unmanned Retail Structure**
   An unmanned structure which stores or dispenses items for sale, rent, or customer pick up.
   1) **Definition and Typical Uses**
      a) **Freestanding**
         Includes Unmanned Retail Structures that are not attached to a building and located further than 15 feet from the nearest principal structure.
      b) **In-Line**
         Includes Unmanned Retail Structures that are adjacent to, attached to, or located within 15 feet of a principal structure, and not separated by vehicular access drives.

   2) **Accessory Use – Industrial Zoning Districts**
   May be allowed as an accessory use to Data and Information Processing, Research and Development, Government Services, or Wholesaling.

   3) **Size**
   Shall not exceed 150 square feet, excluding canopies provided for decorative aesthetics or protection from weather.

   4) **Number**
   Shall not exceed one per development.

   5) **Design Standards**
   Shall not encroach any required site design elements, including but not limited to: drive aisles, easements, landscaping, parking spaces, and ADA paths.
      a) **Freestanding**
         (1) Shall achieve architecturally compatibility with the other structures in the development, including texture, paint and similar building materials.
         (2) Shall be limited to one story, not to exceed 15 feet in height.
      b) **In-Line**
         (1) Shall not exceed eight feet in height, or nine feet if including a weather protection canopy.
         (2) Shall not obstruct more than 20 percent of the windows.

   6) **Signage**
      a) **Freestanding**
         Wall signs may be allowed for buildings that meet the requirements for Art. 5.C.1.H.1.a, Guidelines for Non-Residential Design Elements.
b) In-Line
Shall be limited to a maximum of 20 percent of each side’s facade of the structure, or a maximum of four square feet, per side, whichever is less.

i. Medical Marijuana Dispensing Facility
1) Definition
A facility, operated by a Medical Marijuana Treatment Center (MMTC) in accordance with the Florida Department of Health as a medical marijuana dispensing facility that dispenses medical marijuana to qualified patients or caregivers. A medical marijuana dispensing facility does not prepare, transfer, cultivate or process any form of marijuana or marijuana product. [Ord. 2017-028]

2) Location
Medical marijuana dispensing facility shall not be located within 500 feet of an existing Elementary or Secondary School, unless approved as a Type 2 Waiver. [Ord. 2017-028]

36. Rooming and Boarding House
a. Definition
A Single Family dwelling with lodging for a maximum of up to five persons, where meals may or may not be regularly prepared and served, and facilities such as kitchen and bathrooms may be shared with other residents.

b. Zoning District
A Rooming and Boarding House shall only be allowed in the RM Zoning District with an HR FLU designation.

c. Dwelling Modifications
Only exterior alterations necessary to assure safety of the structure or enhance the compatibility with the surrounding neighborhood. A Single Family dwelling may require structural or other modifications to ensure compliance with the applicable Building Code and Fire-Rescue regulations.

37. Self-Service Storage
a. Definition
A facility consisting of individual, self-contained units that are leased for the storage of business, household, or other personal goods.

1) Types Permitted
Self-Service Storage facilities may include but are not limited to Limited or Multi Access storage units, with or without Outdoor Storage areas, limited to the storage of personal or household goods, automobiles, recreational vehicles, boats, or personal watercraft, only, subject to the following:

a) Limited Access
Limited Access is a Self-Service Storage facility with limited access points from the exterior of the building to interior halls that serve individual storage units.

b) Multi-Access
Multi-Access is a one-story Self-Service Storage facility with multi-access points from the exterior of the building to individual storage units.

b. Overlay – Westgate Community Redevelopment Area Overlay (WCRAO)
Self-Service Storage is prohibited in the NR, NRM, NG, and NC Sub-areas, as outlined in Table 3.B.14.E, WCRAO Sub-area Use Regulations.

c. Zoning Districts – Commercial Pod of PUD or Neighborhood Center of TND
Self-Service Storage in Commercial Pods of a PUD or Neighborhood Center of a TND, shall be limited as follows:
1) Maximum of 50 percent of the overall GFA; and
2) Multi-Access shall be prohibited; and
3) Outdoor Storage shall be limited to a maximum of 30 percent of overall Self-Service Storage building square footage.

d. Accessory Uses – Industrial Districts
Where permitted in industrial districts, a Self-Service Storage use may include accessory retail use, limited to the rental and sale of retail items used for moving and storage, such as hand trucks, cartons, tape and packing materials.

e. Architecture
1) Storage Access or Storage Unit Door Screening
Access points and storage unit doors shall be screened from all public streets, residential uses, or vacant parcels with a residential FLU designation, through the use of buildings, walls,
opaque vehicular gates which primarily remain closed, or other similar barriers. [Ord. 2018-002]

2) Fenestration
The use of fenestration that allows visibility of storage unit doors or is designed in conjunction with interior signage, logos, lighting, or paint schemes intended to expand permitted exterior signage shall be prohibited. [Ord. 2018-002]

f. Landscaping – Incompatibility Buffer Screening Requirements
Where an Incompatibility Buffer is required, the minimum six-foot screening requirement may be waived, subject to the following:

1) Facades
The exterior facades of storage structures present an unbroken, wall-like appearance when seen from adjacent lots and streets.

2) Wall
Separate storage structures are connected by a solid opaque wall to give the appearance of structural continuity. This option may be permitted where Fire-Rescue may require access for emergency purposes upon demonstration that any required gates are designed and constructed to provide the same visual barrier as the required wall.

3) Access Isles
No aisle-ways or other vehicle access ways are located in the area between the building and the adjacent property line.

g. Storage
1) Hazardous Materials Prohibited
The storage of flammable, hazardous or explosive materials, goods or products shall be prohibited.

2) Outdoor Storage Standards
Outdoor storage shall be subject to the following:

a) Permitted Vehicles
Shall be limited to the storage of vehicles of the type customarily maintained by households for personal use such as recreational vehicles or pleasure boats, or a Home Occupation Vehicle.

b) Location
The storage shall occur only within a designated area.

c) Storage Area
The storage area shall not exceed 50 percent of the lot area.

d) Screening
The storage area shall be completely screened from view from adjacent properties and public streets by landscaping, fences, walls or buildings.

e) Mobility
All vehicles and trailers shall be licensed for use on public streets. Other vehicles, including recreational vehicles, boats and personal watercraft, shall be stored on wheeled trailers.

f) Repair Prohibited
Vehicle repair shall be prohibited.

h. Supplemental Circulation Standards for Multi-Access Facilities

1) Interior
The minimum width of aisle ways between storage structures shall be 20 feet for one-way traffic, and 30 feet if two-way traffic.

2) Flow
Traffic flow patterns in aisle ways shall be clearly marked. Markings shall consist at a minimum of standard directional signage and painted lane markings with arrows.

i. Business Uses Prohibited
Businesses shall be prohibited from operating within any Self-Service Storage facility or storage unit or outdoor storage area, except as follows:

1) Storage of Business Goods
A storage unit shall not be used to store inventory, equipment or material required on a daily or recurring basis necessary for a business trade or occupation.

2) Home Occupation Vehicles
A maximum of one business related vehicle per storage customer a maximum of 8,000 pounds curb weight may be stored in a Multi-Access storage unit or outdoor storage area.
38. Single Room Occupancy (SRO)
   a. Definition
      An establishment with lodging for five or more persons housed in individual rooms, where meals may or may not be regularly prepared and served, and facilities such as kitchen and bathrooms may be shared with other residents.
   b. Zoning District – CRE
      SRO may only be allowed in the RR FLU designation.

39. Theater and Performance Venue
   a. Definition
      An establishment that hosts live performances, viewings, seminars or exhibitions.
   b. Typical Uses
      Typical uses may include but are not limited to movie theaters, theaters, conference centers, and exhibition halls.
   c. Approval Process
      1) In the CRE Zoning District, the use shall not be allowed in RR FLU designation.
      2) May be Permitted by Right if it is indoor and less than 15,000 square feet of GFA, and located in the zoning districts where the use is allowed, unless stated otherwise.
   d. Building Area – CN Zoning District
      Shall be limited to 3,000 square feet of GFA.

40. Vehicle or Equipment Sales and Rental, Heavy
   a. Definition
      An establishment engaged in the sale, retail or wholesale, rental, or lease of new or used mobile homes or commercial vehicles, as may be defined by the Florida Department of Motor Vehicles, or equipment, including but not limited to the following: heavy trucks, truck tractors, road tractors, straight trucks, special mobile equipment, buses, school buses, farm tractors, farm implements, heavy equipment including construction and earth moving equipment, trailers, and semitrailers.
   b. Typical Uses
      Typical uses include independent dealers, franchise dealers, wholesale dealers, or mobile home dealers or brokers, or, moving truck or trailer rental, construction or farm equipment sales or rental yards, and large implement sales or rental.
   c. Approval Process
      1) Moving Truck and Trailer Rental
         Moving Truck and Trailer Rental, limited to a maximum of five vehicles per lot, may be permitted as an accessory use to Retail Gas and Fuel Sales or a Large Scale Commercial Development, subject to DRO approval.
      2) IL District, MUPD with IND FLU Designation and Light Industrial Pod of a PIPD – Rental Equipment
         The rental of construction equipment, moving trucks or trailers, farm equipment, and farm implement and machinery sales and rental uses may be allowed subject to DRO approval.
      3) Rural Tier Farm Equipment – MUPD with CL FLU Designation
         Heavy Vehicle or Equipment Sales and Rental limited to farm equipment that supports the residents of the Rural Tier may be allowed in a MUPD with a CL FLU designation, subject to Class A Conditional Use approval.
   d. Overlay – Westgate Community Redevelopment Area (WCRA) Overlay
      Heavy Vehicle or Equipment Sales and Rental is prohibited in the NR, NRM, NG, and NC Sub-areas, as per Table 3.B.14.E, WCRAO Sub-area Use Regulations.
   e. Lot Size
      1) Commercial Districts
         A minimum of three acres.
      2) IL District
         A minimum of one acre.
   f. Accessory Uses
      1) Accessory Retail Sales
         Retail sale of parts may be provided as an accessory use.
      2) Accessory to Heavy Repair and Maintenance
         Limited Heavy Vehicle Sales and Rental, may be permitted as an accessory use to Heavy Repair and Maintenance facilities, subject to DRO approval, and the following:
            a) Limited to the display or advertising of a maximum of five vehicles per lot.
b) All storage spaces shall be located indoors, or set back a minimum of 100 feet from the front and side street property lines, or in a location which is screened from view from any public street by a combination of buildings or walls, or opaque fences or landscaping.

c) Vehicles on display shall be located within 100 feet of a repair bay.

**g. Nuisances – Test Drives**

Test drives of motor vehicles shall be prohibited on Residential Streets.

**h. Storage or Display**

Outdoor storage or display of vehicles or equipment shall only be permitted in areas designated for storage or display on an approved Development Order, subject to the following requirements:

1) **General**

   a) **Vehicle Operating Conditions**

      (1) The storage or display of inoperable vehicles or equipment shall be prohibited, with exception to designated storage areas permitted under an approved accessory or collocated use.

      (2) No vehicles or equipment shall be stored or displayed on-site except those intended for sale, rental or lease. An exception shall be permitted for new motor vehicle or equipment inventory owned by another dealership, provided that such vehicles or equipment is of the same type approved for the subject site.

   b) **Loading Spaces**

      Loading spaces shall be set back a minimum of 100 feet from an existing residential use or vacant parcel with a residential FLU designation.

   c) **Required Parking**

      Parking for vehicle storage, sales or display may not be counted toward meeting the number of off-street parking spaces required for customers and employees.

2) **Standards for Bull Pen Storage**

   a) **Location or Design**

      Bull Pen Storage areas shall be located towards the side or rear of the property and designed in a manner that clearly distinguishes the storage area from vehicle showroom or Outdoor Display areas, by placement behind buildings, or through use of opaque fences, walls or landscape barriers a minimum of six feet high.

   b) **Outdoor Storage**

      Bull Pen Storage areas shall comply with the Outdoor Storage area requirements of Art. 5, Supplementary Standards. This shall not preclude the ability to seek Variance relief.

3) **Standards for Display Areas**

   a) **General**

      No vehicle shall be parked, stored or displayed with its hood or trunk open. Motor vehicles on display shall not be elevated in full or in part.

   b) **Barrier**

      A barrier shall be provided between display areas, and customer parking, related driveway access or drive isles. This barrier may be in the form of a landscape strip, curbing, removable bollards, or other suitable barrier approved by the DRO.

   c) **Design Standards**

      Display areas shall conform to Art. 6, Parking, Loading, and Circulation, except for space striping.

4) **Standards for Moving Truck and Trailer Rental**

    Designated storage spaces for each truck or trailer shall be depicted on the approved site plan. All storage spaces shall be set back a minimum of 100 feet from the front and side street property lines, or in a location which is fully screened from view from any public street by a combination of walls, fences or landscaping.

**41. Vehicle Sales and Rental, Light**

a. **Definition**

An establishment engaged in the sale, retail or wholesale, rental, or lease of new or used motor vehicles as may be defined by the Florida Department of Motor Vehicles, or boats, and recreational vehicles, including but not limited to the following vehicles typically acquired for personal non-commercial use:

1) Automobiles, sport utility vehicles (SUVs) and light trucks or vans with a curb weight of 8,000 lbs. or less; or
2) Boats, personal watercraft, recreational vehicles (RV), off-highway vehicles (OHV), motorcycles, golf carts, or swamp buggies.

b. Typical Uses
Typical uses include independent dealers, franchise dealers, wholesale dealers, or new and used recreational vehicle dealers, auto and truck rental, and boat or personal watercraft rental and sales.

c. Approval Process
1) Indoor Vehicle Showroom
An indoor Vehicle Sales and Rental facility located in the CG or MUPD districts shall be exempt from the minimum three-acre lot size requirement, and may be permitted subject to DRO approval and the following criteria.
   a) Floor Area
      A maximum of 30,000 square feet and 15 display vehicles.
   b) Test Drives
      Test drives shall not be permitted from the indoor vehicle showroom or on-site.
   c) Vehicle Operations
      Display vehicles shall not operate engines during store hours. Engines shall only be permitted to operate during the transport of vehicle into or out of the showroom.
   d) Parking
      Vehicles for sale or lease shall not be parked or displayed outside of the showroom.
   e) Stand Alone Exception
      Stand Alone with lot frontage on an Arterial Street or Planned Collector Street, may be exempt from the limitations of a) through c) above, provided that all vehicle display, storage, detailing, or other collocated uses or activities occur indoors.

2) Neighborhood Vehicle Rental Facility
A Neighborhood Vehicle Rental Facility may be permitted in the CN, CC, and CG Zoning Districts; the Commercial Pod of a PUD; PDDs with a CH or CL FLU designation; or, the Neighborhood Center (NC) of a TDD, subject to DRO approval and the following:
   a) Vehicle Limitations
      A maximum of six vehicles stored on-site, limited to cars, SUVs, standard pick-up trucks, and minivans.
   b) Minimum Lot Size
      The lot size shall comply with the minimum required for the applicable zoning district. Legal nonconforming lots of record shall be able to develop a Neighborhood Vehicle Rental Facility provided all other minimum site development regulations can be met.
   c) Parking
      The rental vehicles shall be parked in specifically designated spaces or located in bull pen storage.
   d) Outdoor Activities
      Maintenance, repair, detailing, washing, cleaning or related activities shall not be conducted on-site.

d. Overlay – Westgate Community Redevelopment Area (WCRA) Overlay
Light Vehicle Sales and Rental is prohibited in the NR, NRM, NG, and NC Sub-areas, as per Table 3.B.14.E, WCRAO Sub-area Use Regulations.

e. Zoning Districts
1) Commercial Pod of PUD and Neighborhood Center of TND
   Shall be limited to a Neighborhood Vehicle Rental Facility.

2) TMD
   Shall be limited to Indoor Vehicle Showroom.

3) Districts with Commercial Low FLU Designation
   The sale or rental of OHVs, RVs, boats, or motorcycles shall be subject to the standards for Accessory Uses.

4) IL District – Automobile Rental
   Automobile rental may be permitted in the IL district when located on an Arterial Street, subject Class A Conditional Use approval.

f. Lot Size
   A minimum of three acres, excluding the following:
   1) Indoor Vehicle Showrooms;
   2) Motorcycle or OHV sales and rental;
3) Boat or watercraft sales and rental when collocated with a Marina Facility; or,
4) Where otherwise stated within this Subsection.

g. **Accessory Uses**

1) **Marinas**
   Vehicle Sales and Rental limited to boats and personal watercraft may be permitted as an Accessory Use to Marina Facilities in the CRE district or an MUPD with CR FLU designation, and shall be exempt from the minimum three-acre lot size requirement.

2) **Accessory to Heavy Repair and Maintenance**
   Limited Light Vehicle Sales and Rental, may be permitted as an accessory use to Heavy Repair and Maintenance facilities, subject to DRO approval, and the following:
   a) Limited to the display or advertising of a maximum of five vehicles per lot.
   b) All storage spaces shall be located indoors, or set back a minimum of 100 feet from the front and side street property lines, or in a location which is screened from view from any public street by a combination of buildings or walls, or opaque fences or landscaping.
   c) Vehicles on display shall be located within 100 feet of a repair bay.

h. **Nuisances – Test Drives**
   Test drives of motor vehicles shall be prohibited on Residential Streets.

i. **Storage or Display**
   Outdoor storage or display of vehicles shall only be permitted in areas designated for storage or display on an approved Development Order, subject to the following requirements:

   1) **General**
      a) **Vehicle Operating Conditions**
         (1) The storage or display of inoperable vehicles or equipment shall be prohibited, with exception to designated storage areas permitted under an approved accessory or collocated use.
         (2) No vehicles or equipment shall be stored or displayed on-site except those intended for sale, rental or lease. An exception shall be permitted for new motor vehicle or equipment inventory owned by another dealership, provided that such vehicles or equipment is of the same type approved for the subject site.
      b) **Loading Spaces**
         Loadings spaces shall be set back a minimum of 100 feet from an existing residential use or vacant parcel with a residential FLU designation.
      c) **Required Parking**
         Parking for vehicle storage, sales or display may not be counted toward meeting the number of off-street parking spaces required for customers and employees.

   2) **Standards for Bull Pen Storage**
      a) **Location or Design**
         Bull Pen Storage areas shall be located towards the side or rear of the property and designed in a manner that clearly distinguishes the storage area from vehicle showroom or Outdoor Display areas, by placement behind buildings, or through use of opaque fences, walls or landscape barriers a minimum of six feet high.
      b) **Outdoor Storage**
         Bull Pen Storage areas shall comply with the Outdoor Storage area requirements of Art. 5, Supplementary Standards. This shall not preclude the ability to seek Variance relief.

   3) **Standards for Display Areas**
      a) **General**
         No vehicle shall be parked, stored or displayed with its hood or trunk open. Motor vehicles on display shall not be elevated in full or in part.
      b) **Barrier**
         A barrier shall be provided between display areas, and customer parking, related driveway access or drive isles. This barrier may be in the form of a landscape strip, curbing, removable bollards, or other suitable barrier approved by the DRO.
      c) **Design Standards**
         Display areas shall conform to Art. 6, Parking, Loading, and Circulation, except for space striping.
42. Veterinary Clinic
   a. Definition
      An establishment engaged in providing medical care, treatment and temporary boarding for animals.
   b. Approval Process – AGR, AR, CLO Zoning Districts and MUPD with CL, CLO FLU Designation
      1) A Veterinary Clinic may be Permitted by Right in the AR, CLO Zoning District and MUPD with CL or CLO FLU designation, subject to the following limitations: [Ord. 2019-005]
         a) GFA shall not exceed 5,000 square feet; and
         b) Shall not include outdoor runs.
      2) A Veterinary Clinic may be Permitted by Right in the AGR Zoning District. The GFA shall not exceed 5,000 square feet. [Ord. 2019-005]
   c. Lot Size – AR and AGR Districts
      Shall be located on a minimum of five acres.
   d. Zoning District
      A Veterinary Clinic shall not have outdoor runs and limited to the following:
      1) CC and CN Zoning Districts
         Shall not occupy more than 3,000 square feet of GFA.
      2) MUPD with CL FLU Designation and TDD Districts
         Shall not occupy more than 5,000 square feet of GFA.
      3) Infill Redevelopment Overlay
         Boarding facilities shall comply with the standards for a Type 3 Commercial Kennel.
   e. Outdoor Runs
      A Veterinary Clinic with outdoor runs shall comply with the following standards:
      1) Lot Size
         A minimum of one acre.
      2) Setbacks
         Outdoor runs shall not be located within 50 feet of any property line adjacent to a parcel of land with a residential FLU designation or use; or 25 feet from any property line adjacent to a non-residential zoning district, use, or FLU.
      3) WCRAO
         Outdoor runs shall not be located within 25 feet of any property line.
      4) Standards
         A six-foot-high fence shall be required around the runs. If the fence is not opaque or screened from view of adjacent properties or R-O-W, a continuous opaque hedge, a minimum of four feet at installation, shall be provided around the run.
      5) Waste Disposal
         A Veterinary Clinic shall meet the ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA.
   f. Facility without Outdoor Runs
      A Veterinary Clinic without outdoor runs shall be required to make accommodations to ensure animal waste is properly disposed of within the facility.
   g. Collocated Use
      1) A Veterinary Clinic may be Permitted by Right in the IG, PO, IPF Zoning District or MUPD with an INST FLU designation when collocated to an Animal Shelter. [Ord. 2018-018]
      2) Veterinary Clinics operated by a licensed veterinarian for the care of the animals kept in the shelter facility may also offer veterinary services to the public. [Ord. 2018-018]

43. Vocational Institution
   a. Definition
      An establishment, that is not an elementary or secondary school, offering regularly scheduled instruction and training in industrial, mechanical, construction, technical, commercial, clerical, managerial or artistic skills.
   b. Typical Uses
      A Vocational Institution may include but is not limited to business, real estate, building and construction trades; machinery operation and repair; electronics, computer programming and technology; automotive or aircraft mechanics and technology; beauty or art school or instruction leading to a high school diploma.
c. **Zoning District – CN and CC**
   Shall be limited to 3,000 square feet of GFA.

d. **FLU Designation – Industrial**
   A Vocational Institution that requires the use of heavy machinery, mechanical, construction or industrial equipment such as auto repair, masonry, automotive operation or repair, metal fabrication, welding, mechanical or electrical repair shall be limited to sites with industrial FLU designation excluding Commercial Pod of a PIPD.

e. **Nuisances**
   The use shall be conducted within an enclosed building in a non-industrial zoning district where the use is allowed unless separated 250 feet from a parcel of land with a residential FLU designation or use.

44. **Work/Live Space**
   a. **Definition**
      A space within a building that is used jointly for residential and any non-residential use permitted in the zoning district, where permitted by the FBC, where the residential space is accessory to the primary use as a place of work.
   b. **Non-Residential Designation**
      Both residential and non-residential square footage shall be counted towards the maximum FAR allowed for the district.
   c. **Floor Area**
      Shall not exceed 1,000 square feet of living area.
   d. **Office Space**
      A minimum of ten percent of the living area shall be designated as office space.
   e. **WCRAO**
      Work/Live Space is prohibited in the NR Sub-area per Table 3.B.14.E, WCRAO Sub-area Use Regulations.
## Section 3: Recreation Uses

### A. Recreation Use Matrix

#### TABLE 4.B.3.A – RECREATION USE MATRIX

<table>
<thead>
<tr>
<th>Use Type</th>
<th>PUD PODS</th>
<th>MUDO FLU</th>
<th>IUPO FLU</th>
<th>PUD PODS</th>
<th>MUDO FLU</th>
<th>IUPO FLU</th>
<th>MUDO FLU</th>
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<td>Use Regulations</td>
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</table>

#### Use Approval Process Key:
- **P**: Permitted by Right
- **D**: Subject to DRO Approval
- **A**: Subject to BCC Approval (Class A Conditional Use)
- **B**: Subject to Zoning Commission Approval (Class B Conditional Use)
- **R**: Prohibited Use, unless stated otherwise within Supplementary Use Standards

#### Use Approval Process Key:

- **P**: Permitted by Right
- **D**: Subject to DRO Approval
- **A**: Subject to BCC Approval (Class A Conditional Use)
- **B**: Subject to Zoning Commission Approval (Class B Conditional Use)

- **Supplementary Use Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standards column.**

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**[Ord. 2017-007] [Ord. 2017-025] [Ord. 2018-002]**

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**Unified Land Development Code**

Supplement No. 27 (Printed 03/20)  

Article 4 – Use Regulations  

61 of 199
B. General Recreation Standards

1. Tier Specific
   Pari-mutuel betting or gaming is prohibited in the Agricultural Reserve (AGR) Tier.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Arena or Stadium or Amphitheater
   a. Definition
      An establishment open, partially or fully enclosed primarily used or intended for commercial spectator sports, or performance.
   b. Typical Uses
      Typical uses include sports arenas, jai alai frontons, racetracks, and concert halls.
   c. Location
      A minimum of 200 feet of frontage on a Collector or Arterial Street from which primary point of vehicular access shall be provided.

2. Campground
   a. Definition
      A parcel of land used for temporary camping and recreational vehicle (RV) uses, and not as permanent living quarters.
   b. Lot Size
      A minimum of five acres or the minimum required by the district, whichever is greater.
   c. Use
      1. Campsite
         Campsites are predominantly intended for use by patrons occupying tents, pop-up style campers, or Camping Cabins.
      2. RV Site
         RV sites are primarily intended to accommodate RVs, and shall be improved with a paved parking pad for the RV and one passenger vehicle.
   d. Intensity
      Campgrounds may be developed at the following intensities:

      | Zoning Districts | # of Sites/Acre (2) |
      |------------------|---------------------|
      |                  | Campsites          | RVs     |
      | AP (1)           | 10/Acre            | N/A     |
      | PC               | 10/Acre            | N/A     |
      | PO               | 12/Acre            |         |
      | IPF              | 12/Acre            | 6/Acre  |
      | CRE              | 12/Acre            |         |
      | MUPD             | CR FLU             | 16/Acre | 8/Acre |
      | RVPD             | RR FLU (3)         | 10/Acre (3) | 4/5 Acres |
      |                  | CR FLU             | 24/Acre | 12/Acre |

      Notes:
      1. In the LOSTO only.
      2. The acreage used to calculate campsites cannot be used to calculate RV sites, or vice versa. Campsites and RV sites may be interspersed throughout the site.
      3. RVPDs existing prior to March 2, 2017 shall be considered conforming for intensity.

   e. Setback for RV or Camp Sites
      All sites shall be set back a minimum of 50 feet from any property line.
   f. Duration of Stay
      1) Campsites and Camping Cabins
         A maximum of 30 consecutive days in a six-month period.
      2) RV Sites
         a) No person shall reside or be permitted to reside in a RV site for more than 180 days per calendar year.
b) **Record Keeping**
The Campground owner or operator shall keep the following records:
1. the make, model, and year of each RV;
2. the lot on which each RV is/was located;
3. the dates of occupancy for each RV owner; and,
4. the name and permanent address of each RV owner.

**c) Mobility**
The mobility of each recreational vehicle shall be maintained at all times. All recreational vehicles shall be currently licensed by the State of Florida, or the state of residency of the RV owner. The license plate shall be visible at all times.

g. **Accessory Use**
1) **Camping Cabin**
   a) **Definition**
   A rental cabin used for temporary occupancy.
   b) **Use**
   A camping cabin may be allowed as an accessory use to a campground.
   c) **Number**
   A maximum of 30 percent of the total approved campsites may be used for camping cabins.
   d) **Floor Area**
   A camping cabin shall not exceed 800 square feet of GFA.
   e) **Additional Floor Area**
   Floor area under a solid roof that is utilized as a porch, patio, porte-cochere, or carport shall not exceed 500 square feet.
   f) **Amenities**
   A camping cabin may contain electrical outlets (excluding 220 volt), heating, lighting, air conditioning, cooking facilities and plumbing.

2) **Retail Sales, General**
A camp store selling goods intended for consumption and use by the patrons of a campground shall be allowed pursuant to the following:
   a) **Size**
   Shall not exceed 2,500 square feet of GFA, including storage.
   b) **Location**
   Shall be located to the interior of the campground, and shall not be accessible from any external roads abutting the campground property.
   c) **Parking**
   Shall provide one parking space per 500 square feet of GFA, plus one space per employee on duty.
   d) **Signage**
   Signage shall be limited to a maximum of 25 square feet of wall signage located on the front façade of the building, and shall not be visible from the exterior of the campground. Freestanding signs shall be prohibited.

**h. LOSTO**
A Campground or Camping Cabins may be located on parcels within the LOSTO where the use is not allowed by the Use Matrix, subject to the following:

1) **Campground**
A campground without RV sites may be allowed in the LOSTO subject to DRO approval.

2) **Camping Cabins**
A camping cabin may be allowed as a principal use, or as an accessory use to a Single Family dwelling, subject to a DRO approval through the ZAR Process and the following: [Ord. 2018-002]
   a) **Density**
   A maximum of ten camping cabins per acre when developed as principal use.
   b) **Setback**
   A minimum of 25 feet from all property lines.
   c) **Occupants**
   Only users of the LOSTO Trail, such as hikers, bikers and tourists, shall be allowed to occupy the cabins.
3. Entertainment, Indoor  
   a. Definition  
      An establishment offering recreational opportunities or games of skill to the general public for a fee in a wholly enclosed building.  
   b. Typical Uses  
      Indoor Entertainment may include, but not be limited to: bowling alleys, bingo parlors, pool halls, billiard parlors, banquet and reception facilities, and video game arcades.  
   c. Approval Process – CC, CG, MUPD, MXPD and PIPD Zoning Districts  
      An Indoor Entertainment use encompassing less than 3,000 square feet of floor area may be Permitted by Right.

4. Entertainment, Outdoor  
   a. Definition  
      An establishment offering recreational opportunities or games of skill to the general public where any portion of the activity takes place in the open for a fee, excluding golf courses and public parks.  
   b. Typical Uses  
      Typical uses include athletic fields, batting cages, golf driving ranges, water skiing facilities, tennis courts, go-cart tracks, miniature golf courses, paintball fields, jet skiing, and wind surfing.  
   c. Approval Process – PIPD Regional Recreation Pod Exception  
      An Outdoor Entertainment use that serves to promote economic benefits, such as enhanced tourism, job creation, and an amenity for business recruitment, and which provides for national recognition as a unique recreational facility, may be allowed within the Regional Recreation Pod of a PIPD subject to Class A Conditional Use approval, and the following: [Ord. 2017-032]  
       1) Notification to Business Development Board  
          The Applicant shall include documentation confirming that the Business Development Board (BDB) has been notified of the application for Class A Conditional Use approval, including tentative BCC Public Hearing dates, prior to certification for Public Hearing. [Ord. 2017-032]  
       2) Residential Separation  
          Shall be located a minimum of 1,000 feet from a residential use or vacant parcel with a residential FLU designation. [Ord. 2017-032]  
       3) Collocated Special Event  
          A Special Event may be collocated with an Outdoor Entertainment use subject to DRO approval, in accordance with the provisions of Art. 4.B.11.C.8, Special Event. [Ord. 2017-032]  
       [Ord. 2019-005]  
   d. Location  
      Access to an Outdoor Entertainment use shall be from a Collector or Arterial Street.  
   e. Setbacks  
      No building, structure, trailer, vehicle, mechanical device, or outdoor area shall be located closer to the property line than as follows:  

<table>
<thead>
<tr>
<th>Adjacent Use</th>
<th>Minimum Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Residential and Streets</td>
<td>50 feet</td>
</tr>
<tr>
<td>Residential District or Use (1)</td>
<td>100 feet (1)</td>
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</tbody>
</table>

[Ord. 2017-032]  

Notes:  
1. Outdoor Entertainment within a PIPD Regional Recreation Pod shall be subject to the setbacks of Art. 4.B.3.C.4.c.2), Residential Separation. [Ord. 2017-032]

5. Fitness Center  
   a. Definition  
      An establishment containing multi-use facilities for conducting recreational sport activities.  
   b. Typical Activities  
      Typical sport activities may include but is not limited to aerobic exercises, weight lifting, running, swimming, racquetball, handball, squash, dance studios and martial arts studios.
c. Approval Process
   1) CC Zoning District and MUPD with CL FLU Designation
      a) A Fitness Center that has less than 8,000 square feet of GFA shall be Permitted by Right.
      b) A Fitness Center with more than 8,000 square feet but less than 15,000 square feet shall be subject to DRO approval.
   2) Commercial Pod of PUD
      A Fitness Center less than 10,000 square feet may be Permitted by Right. [Ord. 2018-018]

d. Zoning District – CN Zoning District
   The use shall be limited to 3,000 square feet of GFA when located in CN Zoning District and shall not include outdoor activities.

e. Existing Approvals – IL Zoning District and Industrial Light Pod of PIPD
   A Fitness Center legally established in the IL Zoning District or Industrial Light Pod of a PIPD prior to March 2, 2017 shall be considered legal conforming.

6. Golf Course
a. Definition
   An establishment providing a golf recreation area designed for executive or regulation play along with accessory support facilities, excluding miniature golf.

b. Accessory Use
   1) Clubhouse
      A Golf Course use may include a clubhouse. In addition to traditional and customary services, the clubhouse may also contain uses such as food service, catering, related retail sales, financial services, and other personal services.

   2) Fencing
      Fencing or netting may be erected to protect neighboring property, vehicles, pedestrians, or bicyclists from golf balls, subject to the following restrictions:
      a) Maximum Height Adjacent To
         (1) Residential Use
            15 feet.
         (2) Street or Easement
            30 feet.
         (3) Non-Residential Use
            30 feet.
      b) Variance Relief
         Request for Type 2 Variance from fence or netting maximum height shall be permitted in accordance with Art. 2, Application Processes and Procedures.

7. Park, Neighborhood Infill
a. Definition
   A Public Park facility operated by PBC located in the Revitalization and Redevelopment Overlay as designated by the BCC.

b. Lot Size
   A maximum of five acres.

c. Minimum Setbacks
   1) Playground Surface Areas
      Ten feet.
   2) Structures, Park Furniture and Playground Equipment
      15 feet.
   3) Active Recreation Facilities
      a) A minimum of 15 feet when adjacent to R-O-Ws and parcels of land with a non-residential FLU designation or use.
      b) A minimum of 25 feet when adjacent to parcels of land with a residential FLU designation or use. The Parks and Recreation Director may authorize a setback reduction to 15 feet, when compatibility issues are addressed with any adjacent residential uses.

d. Restrictions
   Sports lighting, parking spaces and permanent sanitary facilities shall be prohibited.

e. Recreational Amenities
   Active recreation amenities may include playground equipment and non-regulation basketball courts.
8. Park, Passive  
   a. Definition  
   A public or private outdoor recreation area relying on a natural or man-made resource base and developed with a low intensity of impact on the land.  
   b. Typical Uses  
   Typical uses include trail systems, wildlife management and demonstration areas for historical, cultural, scientific, educational or other purposes that relate to the natural qualities of the area, and support facilities for such activities.  
   c. Zoning District – PC  
   A Passive Park use shall generally include but not be limited to nature and foot trails; canoe trails; wildlife management performed by official game, fish and wildlife commissions; public hunting and fishing camps; the use of boats, airboats and wheeled and tracked vehicles under policies and regulations prescribed by the appropriate government agencies; hunting and fishing camps on private property under policies prescribed by official game, fish and wildlife commissions; exploration, observation and archeological studies supervised by recognized authorities or persons granted permission to proceed by the State of Florida; preserves and passive recreation areas, and residences for preservation management officers or substantially similar recreational conservation accessory uses.

9. Park, Public  
   a. Definition  
   A park publicly owned or operated by government agencies that provide opportunities for active or passive recreational activities to the general public.  
   b. Type of Parks  
   The use includes Regional Park, District Park, Beach Park, and Community Park.  
   c. Collocated Uses  
   The following shall be collocated uses Permitted by Right in the PO Zoning District when included as part of a Public Park:  
   1) Outdoor Shooting Range limited to non-mechanical equipment archery;  
   2) Arena or Stadium or Amphitheater separated at least 1,500 feet from parcels of land with a conservation and residential FLU designation or use.  
   3) Commercial Equestrian Arena;  
   4) Marina limited to docks, wet slips or boat ramps; and,  
   5) Caretaker Quarters. [Ord. 2018-018]

10. Shooting Range, Indoor  
    a. Definition  
    An indoor establishment used for the discharge of firearms or projectiles at targets for sport or training, excluding private gun ranges where preempted by State law.  
    b. Approval Process  
    An Indoor Shooting range allowed subject to a Class A Conditional Use may be approved by the DRO when limited to archery.  
    c. Nuisances  
    All use areas shall be within an enclosed building constructed, maintained and operated so that no noise nuisances related to the range operations can be detected outside the building.  
    d. Separation Distance  
    An Indoor Shooting Range shall not be located within 500 feet of a parcel of land with a civic or residential FLU designation or use or a park, unless limited to archery.  
    e. Site Design  
    Except where preempted by State law, during Zoning or Building Permit Review, whichever occurs first, the Applicant shall provide documentation demonstrating acceptable industry design and configuration standards, based on type of shooting activity, to address potential adverse safety and nuisance concerns. Range design shall include but not be limited to: ventilation, safety baffles, bullet traps, and impenetrable backstops, floors, walls and ceilings.
11. Shooting Range, Outdoor
   a. Definition
      An outdoor establishment used for the discharge of firearms or projectiles at targets for sport or
training, excluding private gun ranges where preempted by State law.
   b. Separation Distance
      An Outdoor Shooting Range shall not be located within 1,320 feet of a property line with a civic or
residential use, zoning district, or FLU designation, unless the adjacent properties are owned by a
government agency and utilized for other than civic or residential purposes.
   c. Site Design
      Except where preempted by State law, during Zoning or Building Permit Review, whichever occurs
first, the Applicant shall provide documentation demonstrating acceptable industry design,
configuration and operational standards, based on type of shooting activity, to address potential
adverse safety and nuisance concerns. Range design shall include, but not be limited to:
   backstops, sideberms, sidewalls, sound and visual baffles and target placement.
   d. Archery Range
      1. DRO Approval Process
         An Outdoor Shooting Range allowed subject to a Class A Conditional Use may be approved
by the DRO when limited to non-mechanical archery equipment.
      2. Separation Distance
         Shall not be subject to the 1,320-foot separation distance when limited to non-mechanical
archery equipment. An alternative separation distance may be required if warranted based on
the site design requirements contained above.

12. Zoo
   a. Definition
      An establishment where animals are kept in captivity for the public to view or for educational
purposes.
   b. Accessory Uses
      A Veterinary Clinic, gift shop, and food service may be Permitted by Right as accessory uses to a
Zoo.
   c. Setbacks
      No animal containment area shall be located within 500 feet of any residential district.
### Section 4 Institutional, Public, and Civic Uses

#### A. Institutional, Public, and Civic Use Matrix

<table>
<thead>
<tr>
<th>Use Type</th>
<th>PUD Pods</th>
<th>MUPD Pods</th>
<th>FLPD Pods</th>
<th>TRADITIONAL USE DISTRICTS (TDDs)</th>
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**Use Approval Process Key:**
- **P**: Permitted by Right
- **D**: Subject to DRO Approval
- **A**: Subject to BCC Approval (Class A Conditional Use)
- **B**: Subject to Zoning Commission Approval (Class B Conditional Use)
- **S**: Prohibited Use, unless stated otherwise within Supplementary Use Standards

**Ord. 2017-007**
**Ord. 2017-025**
**Ord. 2018-002**

**Supplementary Use Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standards column.**
### TABLE 4.B.4.A – INSTITUTIONAL, PUBLIC, AND CIVIC USE MATRIX

<table>
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<tr>
<th>Use Type</th>
<th>STANDARD DISTRICTS</th>
<th>PLANNED DEVELOPMENT DISTRICTS (PDDs)</th>
<th>TRADITIONAL DEV. DISTRICTS (TDDs)</th>
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<td>Institutional, Public, and Civic Uses</td>
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<td>B Subject to Zoning Commission Approval (Class B Conditional Use)</td>
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<td>- Prohibited Use, unless stated otherwise within Supplementary Use Standards</td>
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<td>(1) Supplementary Use Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standards column.</td>
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</tbody>
</table>

#### Use Approval Process Key:

- **P** Permitted by Right
- **D** Subject to DRO Approval
- **B** Subject to Zoning Commission Approval (Class B Conditional Use)
- **A** Subject to BCC Approval (Class A Conditional Use)
- **-** Prohibited Use, unless stated otherwise within Supplementary Use Standards

#### Supplementary Use Standards for the following uses:

- Hospital (1)
- Large Family Child Care Home (7)
- Nursing Home or Convalescent Facility (12)
- Place of Worship (13)
- Prison, Jail, or Correctional Facility (14)
- School – Elementary or Secondary (15)
B. General Institutional, Public, and Civic Standards
   1. Agricultural Reserve (AGR) Tier
      In the AGR Tier, institutional, public, and civic uses are prohibited west of State Road 7.
   
C. Definitions and Supplementary Use Standards for Specific Uses
   1. Animal Shelter
      a. Definition
         A nonprofit establishment used for the protection of unwanted or abandoned domesticated animals.
      b. Typical Services
         Typical services provided by an Animal Shelter may include, but are not limited to: sheltering, adoption, fostering, providing rescue or old age homes, medical or behavioral rehabilitation, or other accessory uses as may be permitted by ACC that are not regulated elsewhere by this Code.
      c. Approval Process – ACC Permit
         All Animal Shelters shall be licensed and regulated in accordance with ACC Ord. No. 98-22, as amended. The owner or operator shall obtain Zoning Approval prior to application for an ACC Operational Permit.
      d. Frontage
         Facilities that are open to the public shall have a minimum of 100 feet of frontage on and access from a Collector or Arterial Street.
      e. Landscaping
         Any outdoor animal use area located within 300 feet of a residential use or property with a residential FLU designation, shall upgrade the Incompatibility Buffer with either of the following:
         1) A six-foot-high fence, and double the required buffer width and planting requirements; or
         2) A six-foot-high CBS or concrete panel wall.
      f. Waste Disposal
         An Animal Shelter shall meet the PBCHD ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD, and SWA.
      g. Accessory Residential Use
         A Single Family dwelling unit may be permitted as an accessory use to an Animal Shelter provided the property has an underlying residential FLU designation.
   2. Assembly Institutional Nonprofit
      a. Definition
         An establishment open to the public, owned or operated by a nonprofit organization for social, educational or recreational purposes.
      b. Typical Uses
         An Assembly Institutional Nonprofit use may include, but is not limited to: museums, cultural centers, recreational facilities, botanical gardens and community services such as after school care or tutorial services, medical services, and employment services.
      c. Zoning District – TND District
         Assembly Institutional Nonprofit shall be limited to a maximum of 10,000 square feet of GFA.
      d. Frontage and Access
         The use shall have frontage on and access from a Collector, Arterial or Local Commercial Street, unless stated otherwise herein. An Assembly Institutional Nonprofit with collocated uses, or more than 15,000 square feet of GFA or 350 seats, including accessory uses, shall have frontage on and access from a Collector or Arterial Street.
      e. Redevelopment, Revitalization and Infill Overlay (RRIO)
         An Assembly Institutional Nonprofit use owned or operated by a neighborhood group, working with the Office of Community Revitalization (OCR) within a Countywide Community Revitalization Team (CCRT) designated area, may be allowed subject to the following:
         1) DRO approval in the zoning districts where the use is subject to a Class A Conditional Use;
         2) Located on a Local Residential Street provided the building square footage is limited to a maximum of 5,000 square feet. An Assembly Institutional Nonprofit greater than 5,000 square feet, including accessory uses, shall be located on a Local Commercial, Arterial, or Collector Street.
         3) No outdoor activities after 10:00 p.m.; and,
         4) The following accessory uses shall be Permitted by Right: Limited Day Care, Day Camp, and, Government Services limited to Community Police Substation.
3. Assembly Membership Nonprofit
   a. Definition
      An establishment owned or operated by a nonprofit organization for social, education or
      recreational purposes where paid membership is required.
   b. Typical Uses
      An Assembly Membership Nonprofit use may include but is not limited to: fraternal or cultural
      organizations, and union halls.
   c. Zoning Districts
      1) AR/RSA District
         May be allowed in the AR/RSA with an SA FLU, subject to a Class A Conditional Use approval.
      2) TND District
         Nonprofit Membership Assembly shall be limited to a maximum of 10,000 square feet of GFA.
   d. Frontage and Access
      The use shall have frontage on and access from a Collector, Arterial or Local Commercial Street.
      An Assembly Membership Nonprofit with collocated uses, or more than 15,000 square feet of GFA
      or 350 seats, including accessory uses, shall have frontage on and access from a Collector or
      Arterial Street.

4. Cemetery
   a. Definition
      Land used or intended to be used for human interment.
   b. Zoning District – MUPD
      An MUPD developed to include a Cemetery shall be limited to have Place of Worship or other
      Cemeteries as collocated uses.
   c. Frontage
      Where permitted in a residential zoning district, a Cemetery shall have frontage on and access from
      an Arterial or a Collector Street.
   d. Lot Size
      1) A Cemetery shall be located on a site with a minimum contiguous area of 30 acres. Exceptions
         to the minimum acreage requirement may be permitted, as follows:
         a) Cemeteries owned and operated by a Place of Worship located within Palm Beach County,
            whether collocated or remotely located, on sites less than 5 acres, and equal to or greater
            than 2 acres, which provides only single-level ground burial.
         b) County and municipal cemeteries.
         c) Community and nonprofit association cemeteries, which provide only single-level ground
            burial and do not sell burial spaces or burial merchandise.
         d) Cemeteries owned and operated or dedicated by a Place of Worship prior to June 23,
            1976.
         e) A columbarium consisting of less than one-half acre which is collocated with a Place of
            Worship.
         f) A mausoleum consisting of two acres or less which is collocated with a Place of Worship.
         g) A columbarium consisting of five acres or less which is located on the main campus of a
            State university as defined in F.S. § 1000.21(6).
      2) An existing Cemetery having less acreage shall not be considered a non-conforming use if the
         acreage shown is consistent with a prior approval.
   e. Pet Cemetery
      1) May be allowed only in the IPF Zoning District subject to Class A Conditional Use approval.
      2) May be allowed as an accessory use to a Cemetery, provided the area dedicated for pet
         cemetery is in addition to the minimum lot size required for the Cemetery.

5. College or University
   a. Definition
      An institution of higher learning offering undergraduate or graduate degrees.
   b. Approval Process
      A College or University may be approved by the DRO, subject to the following:
      1) The property is separated from parcels of land with a residential FLU designation or use by a
         minimum of 150 feet;
      2) A maximum of 30,000 square feet of GFA; and,
      3) The use has frontage on and access from an Arterial, Collector, or Local Commercial Street.
c. **Accessory Use – Dormitories**
   Dormitories may be allowed as an accessory use. If owned or operated by the College or University, shall be calculated as FAR.

d. **Airport Land Use Compatibility Zoning**
   The establishment of a new college or university shall be prohibited in accordance with Art. 16.C.1.E.2, Prohibited Land Uses. [Ord. 2019-005]

6. **Crematory**
   a. **Definition**
      A facility that employs various methods of processing human or animal remains, consistent with F.S. § 497.005, as periodically amended. [Ord. 2018-018].
   b. **Equipment Location**
      Crematory equipment shall be located within a fully enclosed building.
   c. **Services Prohibited**
      Services such as public observances, sermons or other similar activities shall be prohibited, unless collocated with an approved funeral home.
   d. **Collocated Use**
      In the RM Zoning District, a Crematory may be collocated with a Cemetery subject to Class A Conditional Use approval, provided the use is restricted to those being buried within that Cemetery.

7. **Day Care**
   a. **Definition**
      An establishment that provides care, protection and supervision for children when licensed by the Palm Beach County Health Department, or for adults when licensed by the Agency for Health Care Administration (AHCA).
   b. **Types**
      1) **Day Care Limited**
         A Day Care for six to 20 children, or three to 20 adults, for a period of less than 13 hours per day on a regular basis.
         a) **Collocated Use – AGR Zoning District**
            A Limited Day Care may be allowed as a collocated use to an Assembly Institutional Nonprofit subject to DRO approval.
         b) **Use Limitations**
            Limited Day Care use does not include nighttime or overnight care.
      2) **Day Care General**
         A Day Care for 21 or more children or adults for a period of less than 24 hours per day on a regular basis.
      3) **Large Family Child Care Home (LFCCH)**
         An occupied Single Family residence in which custodial care is regularly provided for up to 12 children, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and has at least two full-time child care personnel on the premises during the hours of operation. One of the full-time child care personnel must be the owner or occupant of the residence. The use shall be subject to the following:
         a) **Applicability**
            The Applicant or owner shall provide documentation that the establishment has operated as a licensed Family Day Care Home for at least two years and meet other licenses and regulations established by the PBC Health Department including the maximum number of children permitted.
         b) **Approval Process**
            The use shall be Permitted by Right when located on lots 20,000 square feet or greater.
         c) **Site Requirements**
            In addition to the Property Development Regulations applicable to Single Family residential, the following shall apply:
            (1) **Outdoor Activity Area**
                All outdoor activity area provisions applicable to a Day Care shall apply.
            (2) **Drop Off**
                Shall comply with all drop-off access standards applicable to Day Care.
            (3) **Parking**
Shall provide at least four parking spaces including those required for a Single Family residential unit. Parking dimensions shall comply with Art. 6, Parking, Loading, and Circulation.

(4) **Site Egress**
Shall not allow backward egress from a driveway or parking area into a street.

(5) **Signage**
Shall not be permitted.

4) **Family Day Care Home**
See Supplementary Use Standards under Residential Use Classification, Accessory Residential Use Standards.

c. **Lot Size**
A minimum of 6,000 square feet, or the minimum required by the zoning district in which the Limited or General Day Care is located, whichever is greater.

d. **Airport Land Use Compatibility Zoning**
The establishment of new Limited or General Day Care facilities shall be prohibited in accordance with Art. 16.C.1.E.2, Prohibited Land Uses. [Ord. 2017-025]

e. **Zoning District – CRE District**
A General Day Care shall not be located in a CRE Zoning District with an RR FLU designation.

f. **Floor Area**
   1) **Child Care**
      a) For a Day Care with 40 children or less, the minimum floor area, exclusive of any area devoted to a kitchen, office, storage, and toilet facilities, shall be 1,500 square feet.
      b) An additional 35 square feet of floor area or the amount required by the PBCHD shall be provided for each child over 40 children.
   2) **Adult Care**
      For an Adult Day Care, the total amount of net floor space available for all participants shall be in accordance with Rule 58A-6.013, F.A.C., as may be amended, and as determined by the AHCA.

g. **Outdoor Activity Area for Child Care**
   1) **General**
      An outdoor activity area shall be provided on the same lot as the Day Care. The area shall not be located in the required front setback or adjacent to any outdoor storage area of any existing use.
   2) **Square Footage**
      Shall be in compliance with the Palm Beach County Rules and Regulations Governing Child Care Facilities contained in Appendix D, Chapter 1, Article X, Section B of the PBC Code, as may be amended.
   3) **Location of Outdoor Play Equipment**
      Stationary outdoor play equipment permanently anchored to the ground shall be set back a minimum of 25 feet from any residentially zoned or used property line, and ten feet from any other property line. Outdoor play equipment shall not be located in any required landscape area or easement.
   4) **Shade Trees**
      A minimum of one 12-foot-tall native Canopy tree shall be provided or preserved within the interior of the outdoor activity area per 1,500 square feet of area provided.
   5) **Fence/Wall**
      A minimum four-foot-high fence or wall shall surround the outdoor activity area.

h. **Drop-off Access**
   1) **Drop-Off**
      One designated drop off space shall be provided for every 20 children or adults. Drop-off spaces shall be a minimum of 12 feet in width.
   2) **Sidewalk Access**
      A minimum four-foot-wide sidewalk running in front of, or adjacent to the drop-off spaces and connecting to the Day Care entrance shall be provided.
b. **Zoning Districts – IL, IG, or MUPD with IND FLU**
   A Funeral Home shall be limited to preparation for interment. No public observances, sermons or funerals shall be permitted.

c. **Collocated Use**
   In the RM Zoning District, a Funeral Home may be collocated with a Cemetery subject to Class A Conditional Use approval, provided the use is restricted to those being buried within that Cemetery.

9. **Government Services**
   a. **Definition**
      Buildings or facilities owned or operated by a government entity and providing services for the public, excluding utility and recreational services, and Prisons, Jails, or Correctional Facilities.

   b. **Typical Uses**
      A Government Service use may include but is not limited to: Administrative offices for government agencies, public libraries, and police and fire stations.

   c. **ACC Animal Control Facilities**
      An ACC operated Animal Control Facility shall be considered a Government Services use in the PO and IPF Zoning Districts.

10. **Homeless Resource Center**
   a. **Definition**
      A public or private establishment that provides multiple services for the homeless population.

   b. **Typical Services**
      Typical services provided by a Homeless Resource Center may include but are not limited to: Counseling, kitchen and dining facilities, medical and dental outpatient facilities, temporary housing, intake, social services, employment services, and administrative offices.

   c. **Approval Process**
      A Homeless Resource Center owned or operated by a governmental entity may be allowed where Government Services uses are allowed by Table 4.B.4.A, Institutional, Public, and Civic Use Matrix, subject to Class A Conditional Use Approval; or may be Permitted by Right where Government Services uses are allowed in non-residential districts, provided that prior to development, or any modification to a previously approved development, program or operation, an eligible government entity complies with the following:
      1) Schedule and make a presentation to the BCC at a duly noticed Public Meeting(s);
      2) Prepare a report documenting compliance with Palm Beach County Facilities, Development and Operations, FDO PPM #FDO-S-004, Public Outreach and Community Involvement for Homeless Resource Centers; [Ord. 2019-005]
      3) Provide notice of intent to the Zoning Director a minimum of 30 days prior to requesting placement on a BCC Public Meeting agenda, to include the aforementioned report;
      4) The BCC shall make a finding that the governmental entity has complied with FDO PPM #FDO-S-004, which may include Conditions of Approval; and, [Ord. 2019-005]
      5) A BCC finding of compliance, or compliance subject to conditions, may remain valid for three years, or as otherwise provided by Condition of Approval.

   d. **Location and Separation Requirements**
      For the purpose of required separations, measurements shall be made from facade to facade, except where the separation required is between a structure and a zoning district boundary.
      1) A minimum 250-foot separation shall be required from the property line of residentially zoned parcels. Type 2 Variance relief, in accordance with Art. 2.B, Public Hearing Processes, may be requested if this standard cannot be met.
      2) A Homeless Resource Center shall not be located within a 1,200-foot radius of another Homeless Resource Center.
      3) Facilities owned or operated by a governmental entity and located in the PO Zoning District may request a PO Deviation from Location and Separation Requirements, subject to BCC approval, utilizing the standards in Art. 2.B.7.G, Public Ownership (PO) Deviations, [Ord. 2019-005]

   e. **Facility Use**
      A minimum of 25 percent of the GFA shall be reserved for accessory service delivery other than temporary housing.

   f. **Nonconformities**
      The subsequent approval of a Development Order for a residential zoning district shall not change the status of the HRC to a nonconforming use.
g. Existing Approvals
A prior approval for a government owned or operated Homeless Resource Center shall be considered a legal conforming use for sites approved between October 28, 2009 (Ord. No. 2009-040), and March 2, 2017.

11. Hospital
a. Definition
An establishment that maintains and operates organized facilities for medical or surgical diagnosis, overnight and outpatient care, and treatment of human illness.
b. Licensing
A Hospital shall be required to be licensed by the State of Florida.
c. Lot Size
A minimum of five acres or the minimum required in the zoning district, whichever is greater.
d. Frontage
A minimum of 200 feet of frontage or the minimum required in the zoning district, whichever is greater.
e. Incinerator
Biohazardous waste incinerators with an allowable operating capacity equal to or less than 1,000 pounds per hour and biohazardous waste autoclaves are allowed as an accessory use, subject to the following standard:
1) Setbacks
A minimum of 500 feet from any property line abutting a residential zoning district or use. Expansion of existing facilities may be allowed with lesser setbacks, provided the expansion is approved by the DRO.

12. Nursing Home or Convalescent Facility
a. Definition
An establishment where care is offered or provided for three or more persons suffering from illness, other than a contagious disease, sociopathic or psychopathic behavior which is not of sufficient severity to require hospital attention, or for three or more persons requiring further institutional care after being discharged from a Hospital, other than a mental hospital. Patients usually require domiciliary care in addition to nursing care.
b. Licensing
A Nursing Home or Convalescent Facility shall be required to be licensed by the State of Florida.
c. Lot Size
A minimum of 10,000 square feet or the minimum requirement of the zoning district, whichever is greater.
d. Frontage
A minimum of 100 feet of frontage or the minimum requirement of the zoning district.
e. Access
If located in a residential FLU designation, access shall be provided from a Collector or Arterial Street.
f. Maximum Number of Patient Beds
1) All FLU designations except RR: One bed per 1,000 square feet of lot area.
2) RR FLU designation: 0.25 bed per 1,000 square feet of lot area.

13. Place of Worship
a. Definition
An establishment which may include a retreat, convent, or other similar use, owned or operated by a tax-exempt religious group that is used periodically, primarily, or exclusively for religious worship, activities, or related services.
b. Existing Approvals
Applicants may seek abandonment of the existing Place of Worship approval and apply for DRO Approval at any time. Prior approvals may be continued to be utilized or modified subject to the limitations in Art. 2.C.5.B, Administrative Modifications to Prior DOs. A DO exceeding the above thresholds shall be subject to a Development Order Abandonment (ABN) and a concurrent request for a DRO Approval.
c. Location
A Place of Worship shall be prohibited unless in compliance with one of the following:
1) A Place of Worship greater than or equal to 15,000 square feet, including accessory uses, shall have frontage on and access from an Arterial or Collector Street.
2) A Place of Worship greater than or equal to 5,000 square feet and less than 15,000 square feet, including accessory uses, shall have frontage on and access from an Arterial, Collector, or Local Commercial Street.
3) A Place of Worship less than 5,000 square feet, including accessory uses, may have frontage on and access from a Local Residential Street.

d. Development Thresholds
A Place of Worship shall be exempt from the requirements under Development Thresholds in this Article or any thresholds in this Code that require the use to be subject to a Conditional Use approval. [Ord. 2019-005]
e. Limited Temporary Sales
Temporary sales, such as rummage, or bake sales, shall be Permitted by Right as an accessory use to a Place of Worship for a period of up to three consecutive days, limited to four times a year.

14. Prison, Jail, or Correctional Facility
a. Definition
A government owned or operated facility in which people are legally held as a punishment for crimes they have committed or while awaiting trial.
b. Approval Exemption
Expansion of existing facilities shall be exempt from the Class A Conditional Use approval.

15. School – Elementary or Secondary
a. Definition
An institution of learning, whether public, private, or charter, which conduct regular classes and courses of study required for accreditation as an elementary or secondary school approved by the Department of Education.
b. General
1) Setbacks
All Schools shall comply with the zoning district setbacks unless stated otherwise herein. No setback shall be less than 25 feet regardless of the zoning district.
2) South Florida Water Management District (SFWMD)
Boardwalks and education learning stations may be constructed within wetland areas subject to approval by the SFWMD.
   a) Preservation
   Prior to commencement of construction, lot clearing or any other site development, preparation, all applicable permits shall be obtained in conformance with Art. 9, Archaeological and Historic Preservation.
   b) Wetlands Permits
   On site wetlands required by the SFWMD shall be preserved. Boardwalks and education learning stations may be constructed within wetland areas subject to approval by the SFWMD.
   c) Construction Documents
   Prior to site plan approval by the DRO review, construction documents for wetland restoration, landscaping, and vegetation restoration shall be reviewed and approved by ERM.
3) Airport Land Use Compatibility Zoning
   The establishment of a new school shall be prohibited in accordance with Art. 16.C.1.E.2, Prohibited Land Uses. [Ord. 2019-005]
c. Private School
The following standards shall apply to all Private Schools:
   1) Pedestrian Access/Bike Path
   Pedestrian access, bike paths and crosswalks showing access to the school site from surrounding neighborhoods shall be shown on the site plan.
   2) Vehicular Circulation
   Designated bus and parental drop off/pick up areas, shall be provided. Pathways, which cross vehicular use areas, shall be defined by special paving, brick, striping, or other methods acceptable to the DRO.
3) Approval Process
   This use shall be subject to the applicable approval process pursuant to the Use Matrices of Art. 3, Overlays and Zoning Districts and this Article.
d. Charter Schools
Charter schools are considered public schools pursuant to F.S. § 1002.33 and shall be subject to the standards and procedures applicable to Public Schools. If constructed by the PBC School Board or otherwise considered a public school facility pursuant to F.S. ch. 1013, the use shall be treated as public schools for the purposes of this Code. Charter schools with 200 or fewer students in a commercial, industrial, or non-residential planned development district shall be subject to DRO approval.

e. Public Schools
1) Applicability
Public Schools are subject to site requirements contained in Florida Building Code, Building Section 423 per F.S. § 1013.37. Public Schools are not subject to the approval process contained in the Use Matrices of this Code unless specified herein. Other types of School Board developments, such as administrative offices, warehouse buildings, etc., shall comply with the regulations of the applicable zoning district.

2) Previous Approvals and Future Amendments
Public Schools approved prior to June 16, 1992 shall be considered conforming uses.

3) Review by Zoning
a. School Site Acquisition
Comply with the procedures established by the Intergovernmental Agreement R-93-1600D adopted on December 7, 1993, as amended from time to time.

b. Development Review Officer (DRO) Administrative Review
Application shall comply with the DRO Administrative Review process as stated in Art. 2.C, Administrative Processes.

4) Accessory Uses
The following uses, subject to special regulations, shall be allowed as customarily incidental and subordinate to a Public School:

a) Accessory Radio Towers
(1) Height
Towers shall have a maximum height of 100 feet or less measured from the finished grade at the base of the tower. Towers over 100 feet in height and Commercial Communication Towers shall comply with Art. 4.B.9.

(2) Setbacks
(a) Towers shall meet a minimum setback equal to 50 percent of the height of the tower from all property lines.
(b) Commercial Communication Towers shall comply with the requirements pursuant to Art. 4.B.9. ITV antennas shall not be subject to these requirements.

(3) Anchors
All tower supports and peripheral anchors shall be located entirely within the boundaries of the school site and in no case less than 20 feet from a property line.

(4) Fencing
Security fencing or a security wall shall be installed around the base of each tower, each anchor base and each tower accessory building to limit access.

(5) Sign-Off
The School Board shall provide a written sign-off from the County Department of Airports stating the tower will not encroach into any public or private airport approach space as established by the Federal Aviation Administration.

(6) Removal
Obsolete or abandoned towers shall be removed within 12 months of cessation of use.

5) Setbacks
Setbacks for Public Schools shall be a minimum of 25 feet.

6) Supplemental Design Standards
a) All fences height shall be in compliance with Art. 5, Supplementary Standards and Art. 7, Landscaping.

b) Landscape shall comply with F.S. § 1013.64(5)(a).

c) R-O-W Dedication
Within six months of a request by the County Engineer, the School Board shall convey to the BCC all portions of the site necessary to achieve the ultimate R-O-W, as required by Art. 11, Subdivision, Platting, and Required Improvements, or as warranted by the School
District’s Traffic Study, as well as additional right of way for turn lanes and corner clips, as determined by the County Engineer and warranted by the School District’s Traffic Study for any affected road. The conveyance shall include documentation acceptable to the County Engineer that the land is free of all encumbrances and encroachments and shall be in the form of a warranty deed acceptable to the County Attorney. Time extension for R-O-W dedication may be granted if approved by the County Engineer and the School District.

d) Road Improvements
Prior to School occupancy, the School Board shall fund and construct all road improvements directly associated with the school such as paving-drainage, turn lanes, traffic circulation, sidewalks, and driveway connections as determined by the County Engineer and warranted by the School District’s Traffic Study.
## A. Industrial Use Matrix

### TABLE 4.B.5.A – INDUSTRIAL USE MATRIX

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<thead>
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<th>Use Type</th>
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<td>Data and Information Processing</td>
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<td>Equestrian Waste Management Facility</td>
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<td>Manufacturing and Processing</td>
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<td>Medical or Dental Laboratory</td>
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### Use Approval Process Key:

- **P** Permitted by Right
- **D** Subject to DRO Approval
- **A** Subject to BCC Approval (Class A Conditional Use)
- **B** Subject to Zoning Commission Approval (Class B Conditional Use)
- **R** Required Use
- **E** Exempt Use

1. Supplementary Use Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standards column.

2. The change in use for a previously approved non-residential structure shall be Permitted by Right, if in compliance with Article 3.B.16.E.1, Right to Continue or Change Uses.

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### TABLE 4.B.5.A – INDUSTRIAL USE MATRIX

**Use Type**

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<tr>
<th>AD/CON</th>
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**Industrial Uses**

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**Use Approval Process Key:**

1. Supplementary Use Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standards column.

2. The change in use for a previously approved non-residential structure shall be Permitted by Right, if in compliance with Art. 3.B.16.E.1, Right to Continue or Change Use.
B. General Industrial Standards
   Reserved for future use.
C. Definitions and Supplementary Use Standards for Specific Uses
   1. Contractor Storage Yard
      a. Definition
         The storage of construction material, mechanical equipment used in construction activity, or
         commercial vehicles used by building trades and services, other than construction sites.
      b. Overlay – WCRAO
         1) Approval Process
            The use shall be limited to the UG and UI Sub-areas of the WCRAO subject to Class A
            Conditional Use approval.
         2) Accessory Office
            The use shall include a structure required to comply with the provisions of Table 3.B.14.F,
            WCRAO Non-Residential and Mixed Use Sub-area PDRs.
         3) Nonconformities
            Uses approved prior to March 2, 2017 shall be considered legal conforming uses.
   c. Home Occupation – AR/RSA
      A limited Contractor Storage Yard may be allowed as a Home Occupation subject to the
      1) Exception – AR/RSA Zoning District
         A limited Contractor Storage Yard on a lot five acres or more, may be allowed as follows: [Ord.
         2018-018]
         a) Subject to a DRO approval through the ZAR Process prior to issuance of a Business Tax
            Receipt; [Ord. 2018-018]
         b) A maximum of three persons living outside of the home may be employed under the DRO
            approval. [Ord. 2018-018]
         c) Hours of Operation
            The loading or unloading, or movement of any stored vehicles, equipment, or other similar
            activities, or additional employees shall be prohibited between the hours of 8:00 p.m. and
            6:00 a.m.
         d) Provided parking spaces for every employee vehicle is added to the site.
         e) Outdoor Storage
            1) Semi-truck, trailer, or outside storage of equipment shall be screened from view from
               any R-O-W or parcel of land with a residential FLU designation or use, through use of
               opaque fences, walls, or existing or newly planted native vegetation. [Ord. 2018-018]
            2) No additional vegetation shall be required where equipment is screened from view
               behind permitted opaque fences or other structures; [Ord. 2018-018]
            3) Outdoor storage shall be prohibited within the front yard, and shall be set back a
               minimum of 25 feet and, [Ord. 2018-018]
         f) A maximum of three vehicles or equipment shall be permitted, unless the acreage
            requirement is met. [Ord. 2018-018]
         g) All vehicle parking or storage areas shall utilize improved surfaces such as asphalt,
            pavement or shell rock. [Ord. 2018-018]
         h) Ownership
            Permitted vehicles or equipment shall be owned or leased by the Home Occupation license
            holder, except for semi-trucks operated by the license holder, that are stored not more than
            two days per week at the home. [Ord. 2018-018]
         i) Trucks and Equipment
            The following vehicles or equipment owned by the business owner, may be allowed for
            each additional ten acres, and in accordance with the outdoor storage provisions above:
            [Ord. 2018-018]
            (1) One semi-truck with or without trailer; one dump truck; and [Ord. 2018-018]
            (2) One trailer and
            (3) One item of heavy equipment, such as a bobcat or loader, but excluding large
                equipment such as cranes.
      2) Home Occupation having Contractor Storage Yard shall be exempt from the Incompatibility
         Buffer requirements. [Ord. 2018-018]
2. **Data and Information Processing**
   a. **Definition**
   An establishment for business offices of an industrial nature, including corporate centers, associated with uses such as: manufacturing and processing plants or similar industrial complexes; mass/bulk mail-processing; and, telemarketing centers. The use is often integrated into a campus-style development, and not frequented by the general public. This term does not include such uses as: Business or Professional Offices; computer-related Retail Sales establishments; and, Personal Services and Medical or Dental Offices.

3. **Distribution Facility**
   a. **Definition**
   An establishment for the loading, unloading, and interchange of freight or package express between modes of transportation.
   b. **Typical Uses**
   Typical uses include truck terminals, railroad depots and yards (including temporary storage), and major mail-processing centers.
   c. **Zoning Districts with a CH FLU Designation**
   A facility located in these zoning districts: CG, IRO, MUPD, MXPD, or Commercial Pod of a PIPD shall comply with the following additional requirements: [Ord. 2020-001]
   1) Outdoor Storage and activities shall be prohibited [Ord. 2020-001]
   2) When this use is proposed to replace a previously approved use, the Net Trips and Net Peak HourTrips must be equal to or less than the approved use. [Ord. 2020-001]

4. **Equestrian Waste Management Facility**
   a. **Definition**
   An establishment used for the recovery, recycling, or transfer of equestrian waste, provided used bedding is limited to organic materials, such as wood shavings, chips or sawdust, straw or hay, peat moss, or paper limited to newspapers, but excluding plastics, textiles, or sand. Recovery may include collection, separation or sorting, or limited processing necessary to reduce volume, render materials safe for transport, storage or disposal, or the cleaning and packaging of materials for reuse. The facility may include manufacturing of products utilizing the equestrian waste including, but not limited to, bedding, fertilizer, pellets, and logs. Transfer may include the transfer of equestrian manure or bedding from smaller vehicles used for collection to larger vehicles for shipment to another destination.
   b. **Glades and AGR Tiers**
   Equestrian Waste Management Facility shall be prohibited in the Glades Tier and the AGR Tier. [Ord. 2018-018]
   c. **Location**
   Shall have frontage and access from an Arterial or Collector Street. Access from residential streets shall be prohibited.
   d. **Separation Distance**
   An Equestrian Waste Management Facility shall be separated a minimum of 1,000 feet from a food processing or packing plant. In addition to Art. 2.B.7.B.2., Standards, the BCC shall consider whether the proposed 1,000-foot separation is adequate for this use at this location as part of the findings for the final decision of the request. [Ord. 2018-018]
   e. **Collocated Use**
   Equestrian Waste Management Facility may be collocated with a Potting Soil Manufacturing, Composting Facility, or Chipping and Mulching subject to a Class A Conditional Use approval, only when located in a parcel with an industrial zoning district or FLU designation. [Ord. 2018-018]
   f. **Landscaping Adjacent to Residential**
   Any Equestrian Waste Management Facility located within 250 feet of a parcel with a residential use or FLU designation, shall provide a Type 3 Incompatibility Buffer. This Buffer shall be a minimum of 30 feet in width, and shall consist of a two-foot-high berm, and double the number of required trees, planted in two staggered rows. Where outdoor activities are permitted within this distance but an Incompatibility Buffer is not required, the buffer shall also be upgraded to include a minimum six-foot hedge, fence, or wall. Measurement shall be taken from property line of the Facility to the property line of the adjacent parcel of land. [Ord. 2018-018]
g. Storage or Waste Processing Areas
   1) Best Management Practices
      All storage areas, including the temporary or overnight parking of loaded trucks or trailers, and
      any outdoor waste processing areas, shall comply with Art. 5.J.3.A, Storage Related to Storage
      or Spreading of Livestock Waste.
   2) U/S Tier
      Outdoor storage shall be prohibited in the U/S Tier.
   3) Outdoor Storage
      Where permitted, the pile height of equestrian waste shall not exceed 12 feet, and bollards
      shall be provided to delineate pile locations and height, tied to a finished grade location
      designated on site.

h. Application Requirements – Operation Functions
   An application for an Equestrian Waste Management Facility shall include a Justification Statement
   and supporting documentation demonstrating acceptable industry design, configuration, and
   operational standards, including but not limited to:
   1) Site Plan
      The plan shall illustrate how the operation functions, including circulation routes, and the
      location and size of loading and processing areas, and storage piles.
   2) Waste Volume
      An explanation of the quantity of waste to be received, expressed in cubic yards per day or
      tons per day.
   3) Dust Control Program
      A program to address how dust generated from traffic, storage and processing areas will be
      managed pursuant to Art. 5.E.4.D.3, Dust and Particulate.
   4) Odor and Pest Control Program
      A program to address how odors and pests resulting from any vehicles transporting waste, or
      storage and processing areas will be managed pursuant to Art. 5.E.4.D.4, Objectionable Odors.

5. Gas and Fuel, Wholesale
   a. Definition
      An establishment engaged in the storage of flammable or explosive gases or fuel for wholesale
      distribution. [Ord. 2018-002]
   b. Typical Uses
      Wholesale Gas and Fuel may include but is not limited to the bulk storage, distribution, and
      wholesaling of motor vehicle fuels, propane, natural gas, welding gases, or other similar materials.
      [Ord. 2018-002]
   c. Approval Process – Exception
      Wholesale Gas and Fuel may be Permitted by Right subject to compliance with all of the following:
      [Ord. 2018-002]
      1. Limited to a maximum of 2,500 gallons or less or 2,000 gallons water capacity. [Ord. 2018-
         002]
      2. Storage areas shall be located a minimum of 200 feet from any parcel supporting residential
         uses or vacant parcels with a residential Future Land Use designation. [Ord. 2018-002]
      3. Bulk storage of flammable gases shall be prohibited unless approved by PBC Fire-Rescue.
         [Ord. 2018-002]
      4. The Applicant shall submit a storage management plan for all flammable liquids or gases and
         any non-flammable gases to include documentation demonstrating compliance with all
         applicable U.S. Department of Labor, Occupational Safety and Health Hazard (OSHA)
         standards, the National Fire Protection Association (NFPA) Compressed Gas and Cryogenic
         Fluids Code, Compressed Gas Association (CGA) Safe Handling of Compressed Gases, and
         any PBC Fire-Rescue standards. [Ord. 2018-002]
   d. Location
      This use shall not be located within the PBIAO. [Ord. 2017-025]
   e. Separation Distance
      A separation distance shall be established between this use and any adjacent uses. The separation
      distance shall be that prescribed by the PBC Fire-Rescue Department based upon recognized
      standards and guidelines.
6. Heavy Industry  
a. Definition  
An establishment engaged in the basic processing and manufacturing of materials or products  
predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing  
processes utilizing flammable, hazardous, or explosive materials, or processes which potentially  
involve hazardous or commonly recognized offensive conditions.

b. Typical Uses  
Typical uses include asphalt or concrete plant; manufacturing and warehousing of chemicals, dry  
ice, fertilizers, fireworks and explosives; pulp and paper products; radioactive materials; fat  
rendering plants; slaughterhouses and tanneries; and, steel works.

c. FLU Designation – EDC  
Heavy Industry shall be prohibited in the EDC FLU designation.

d. Fireworks  
The retail sale of fireworks from a permanent fireworks storage facility or establishment shall  
be limited to an accessory use.

7. Machine or Welding Shop  
a. Definition  
A workshop where machines, machine parts, or other metal products are fabricated. Typical uses  
include machine shops, welding shops, tool and die fabrication, and sheet metal shops.

8. Manufacturing and Processing  
a. Definition  
An establishment engaged in the manufacture, predominantly from previously prepared materials,  
of finished products or parts, including processing, fabrication, assembly, treatment, and packaging  
of such products. This use also includes incidental storage, sales, and distribution of such products,  
but excludes heavy industrial processing.

b. Typical Uses  
Typical uses include factories, large-scale production, wholesale distribution, publishing, and food  
processing.

c. Zoning Districts with a CH FLU Designation  
A facility located in these zoning districts: CG, IRO, MUPD, MXPD, or Commercial Pod of a PIPD  
shall comply with the following additional requirements:  
[Ord. 2020-001]  
1) Outdoor Storage and activities shall be prohibited.  
[Ord. 2020-001]

9. Medical or Dental Laboratory  
a. Definition  
An establishment for the construction or repair of medical equipment, such as dental, optical,  
orthopedic, or prosthetic devices; or medical testing laboratories primarily engaged in providing  
analytic or diagnostic services exclusively on the written work order of a licensed member of the  
medical profession and not for the public.

10. Multi-Media Production  
a. Definition  
The use of a lot or building for the production of films or videos such as digital, audio, and motion  
pictures; production or broadcasting of television, radio, or internet programs; or recording of music.

b. Typical Uses  
Typical uses include but are not limited to: film laboratories, stock footage film libraries, mass video  
publishation, broadcasting studios, or soundstages.

c. Approval Process  
Indoor Multi-Media Production establishments shall be Permitted by Right in the zoning districts  
where the use is allowed.

d. Transmission Facilities  
Communication towers, antennas, and satellite dishes shall be subject to the applicable approval  
and Supplementary Standards contained in this Code.

e. Film Permit in Public Properties  
Films in public properties such as parks, beaches, rights-of-way, or public buildings are not subject  
to these standards. Permits are issued by the Film and Television Commission.
11. Recycling Center
   a. Definition
      A permanent facility designed and used for collecting, purchasing, storing, dropping-off and
      redistributing of pre-sorted, recovered materials that are not intended for disposal.
   b. Approval Process – DRO
      A Recycling Center that is subject to a Class A Conditional Use approval may be approved by the
      DRO, provided that the use complies with one of the following:
      1) Located completely within enclosed buildings; or
      2) The use shall be located a minimum of 500 feet from a parcel with a residential, civic,
         institutional, recreation, or conservation FLU designation, zoning district, or use.
   c. Access
      Access shall be limited to Arterial, Collector, or Local Commercial Streets which do not serve
      residential lots.
   d. Operation Functions
      The Zoning application shall include a Justification Statement and supporting documentation
      demonstrating acceptable industry design, configuration and operational standards, based on the
      type of materials stored. The supporting documentation shall include but not limited to the following:
      1) Site Plan
         The Site Plan shall illustrate how the operation functions including circulation routes; the
         location of the operation areas, and storage piles.
      2) Dust Control
         A plan to address how dust generated from traffic and storage areas will be managed pursuant
         to Art. 5.E.4.D.3, Dust and Particulate.
      3) SWA Permit
         Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.

12. Recycling Plant
   a. Definition
      An establishment used for the recovery of non-hazardous recyclable materials that are not intended
      for disposal to be collected, separated and sorted, or processed, for reuse. Recyclable materials
      include Construction and Demolition Debris, plastic, glass, metal, all grades of paper, textiles or
      rubber.
   b. Approval Process
      A Recycling Plant requiring Class A Conditional Use approval may be approved by the DRO subject
      to the following:
      1) When surrounded by parcels having an IND FLU designation that are vacant or developed with
         industrial uses providing a 500-foot separation between the use and any parcels having a
         residential, civic, recreation, or conservation FLU designation or use; or
      2) When all recycling activities are located within enclosed structures that have no openings
         oriented or visible from surrounding parcels having a residential, civic, recreation, or
         conservation FLU designation or use.
   c. Access
      Access from a Residential Street shall be prohibited. Entrances shall be gated to prevent access
      from unauthorized persons.
   d. Setbacks
      No part of a Recycling Plant and its accessory ramps, on site circulation system, or storage areas
      shall be located within 50 feet of any property line, unless adjacent to another property with an IND
      FLU designation that is vacant or has an existing industrial use.
   e. Lot Size
      The minimum lot size shall be five acres for any Recycling Plant with outdoor activities.
   f. Drainage
      Untreated surface water runoff shall not be permitted to discharge directly into lakes, streams,
      drainage canals, or navigable waterways other than into or through approved on-site containment
      areas.
   g. Storage Areas
      All outdoor storage of recyclable materials shall be in leak-proof containers or located on a paved
      area that is designed to capture all potential run-off associated with the stored material. Run-off
      shall be handled in a manner that is in conformance with Local, State, and Federal regulations.
h. **SWA Permit**
   Verification that the Applicant has obtained a permit from and posted a bond with the SWA prior to Final Site Plan approval or Building Permit, whichever occurs first.

13. **Research and Development**
   a. **Definition**
      An establishment engaged in industrial, scientific or medical research, testing, and analysis.
   b. **Typical Uses**
      Typical uses include natural science/manufacturing research facilities, bioscience research/biotechnology and product testing/quality control facilities.
   c. **Overlay – Bioscience Research Protection Overlay (BRPO)**
      A Research and Development establishment located in the BRPO shall not be subject to the limitations of Table 4.A.9.B, Thresholds for Projects Requiring Board of County Commissioner Approval.
   d. **Outdoor Activities**
      Outdoor manufacturing, processing, or testing shall be limited to industrial zoning districts only.

14. **Salvage or Junk Yard**
   a. **Definition**
      An establishment used primarily for the collecting, storage and sale of scrap metal or discard material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition; or for the sale of parts thereof. Salvage may also include architectural salvage which consists of building materials and fixtures recovered prior to the demolition of buildings or structures.
   b. **Approval Process**
      Architectural salvage may be allowed subject to DRO approval in the following zoning districts:
      1) IL or IG;
      2) MUPD with an IND FLU designation; or,
      3) IND/L or IND/G Pod of a PIPD.

15. **Towing Service and Storage**
   a. **Definition**
      The use of a portion of an establishment for the temporary storage of operable or inoperable vehicles in conjunction with a commercial towing service. This shall not include retail sales, repair, or salvage of towed vehicles occurring within the storage area.

16. **Truck Stop**
   a. **Definition**
      An establishment which provides services primarily for transient commercial vehicle operators, such as fueling, day and overnight parking. A Truck Stop may also serve other travelers.
   b. **Location**
      Truck Stops shall have a minimum of 200 linear feet of frontage on an Arterial Street.
   c. **Lot Size**
      Shall be a minimum of five acres.
   d. **Setbacks**
      Parking areas, parking spaces, maneuvering areas, and drive aisles, shall be set back a minimum of 200 feet from any existing residential use, zoning district, or FLU designation.
   e. **Landscaping**
      Incompatibility Buffers shall be required adjacent to an existing residential use, zoning district, or FLU designation. The buffer shall include a six-foot-high berm with a six-foot-high opaque wall or fence installed at the plateau of the berm. Variances may be requested from these requirements.
   f. **Collocated Uses**
      For purposes of this Section, collocated uses shall mean a use that is mainly oriented to serving transient commercial vehicle operators. The following collocated uses shall be allowed in conjunction with a Truck Stop subject to DRO Approval:
      1) Type 1 Restaurant;
      2) Type 2 Restaurant;
      4) Car Wash;
      5) Hotel or Motel;
      6) Personal Services;
      7) Financial Institution;
      8) Financial Institution with Drive-Through;
9) Financial Institution – Freestanding ATM;
10) Gas and Fuel Retail;
11) Laundry Service; and,
12) Retail Sales.

g. Site Design:
The site shall be designed to ensure the provision of adequate vehicular circulation and parking patterns. Collocated uses listed above shall be designed and located to mainly serve transient commercial vehicle operators.

17. Warehouse
a. Definition
An establishment used for the storage of raw materials, equipment, or products.

b. Typical Uses
Typical uses include moving companies, cold storage, and dead storage facilities, but excludes self-service storage facilities.

c. Overlay – WCRAO
Office/warehouse uses shall be allowed as specified in Table 3.B.14.E, WCRAO Sub-area Use Regulations. The office/warehouse development shall have a minimum of 25 percent office space per gross floor area for each bay.

d. Zoning Districts with a CH FLU Designation
A facility located in these zoning districts: CG, IRO, MUPD, MXPD, or Commercial Pod of a PIPD shall comply with the following additional requirements: [Ord. 2020-001]
1) Outdoor Storage and activities shall be prohibited. [Ord. 2020-001]

e. Accessory Use
1) Office
Unless approved as a Class A Conditional Use, or as specified in the Overlay – WCRAO standard, office space in each warehouse bay shall be a maximum of 30 percent of the GFA of that bay. [Ord. 2020-001]

2) General Retail
Sales shall be prohibited, except where allowed in conjunction with Flex Space. [Ord. 2020-001]

f. Freestanding Structures
Freestanding structures for Warehouse developments located in an MUPD with an IND FLU designation shall not be subject to the provisions of Table 3.E.3.B, Freestanding Buildings. [Ord. 2019-005]

18. Wholesaling
a. Definition
An establishment engaged in: the maintenance and display of inventories of goods for distribution and sale of goods to other firms for resale; or, the supplying of goods to various trades such as landscapers, construction contractors, wholesale building supplies, institutions, industries, or professional businesses. These establishments also sort and grade goods from large to small lots, and engage in delivery. This use excludes vehicle sales, and the wholesaling of nursery supplies, and gas and fuel.

b. Zoning Districts with a CH FLU Designation
A facility located in these zoning districts: CG, IRO, MUPD, MXPD, or Commercial Pod of a PIPD shall comply with the following additional requirements: [Ord. 2020-001]
1) Outdoor Storage and activities shall be prohibited. [Ord. 2020-001]
### TABLE 4.B.6.A – AGRICULTURAL USE MATRIX

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**Use Approval Process Key:**
- P: Permitted by Right
- D: Subject to DRO Approval
- A: Subject to BCC Approval (Class A Conditional Use)
- R: Requires BCC Approval (Class B Conditional Use)
- U: Prohibited Use, unless stated otherwise within Supplementary Use Standards

1. Policy and Procedures Manual (PPM) # Multiple Department (MD)-RI-002, Processing Building Permit and Zoning Applications for Farms, guides P2B staff in determining the preemptive effect of State law. This PPM is available upon request at Planning, Zoning and Building Department.

2. Supplementary Use Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standards column.

3. The change in use for a previously approved non-residential structure shall be Permitted by Right, if in compliance with Art. 3.B.16.E.1, Right to Continue or Change Use.
## TABLE 4.B.6.A – AGRICULTURAL USE MATRIX

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### Use Type

- **Nursery, Retail**: Permitted by Right
- **Nursery, Wholesale**: Permitted by Right
- **Potting Soil Manufacturing**: Subject to DRO Approval
- **Produce Stand**: Subject to DRO Approval
- **Shade House**: Subject to DRO Approval
- **Stable, Commercial**: Subject to DRO Approval
- **Stable, Private**: Subject to DRO Approval
- **Sugar Mill or Refinery**: Subject to DRO Approval

### Use Approval Process Key:

- **P**: Permitted by Right
- **D**: Subject to DRO Approval
- **A**: Subject to BCC Approval (Class A Conditional Use)
- **M**: Prohibited Use, unless stated otherwise within Supplementary Use Standards

### (1) Policy and Procedures Manual (PPM) # Multiple Department (MD)-R1-002, Processing Building Permit and Zoning Applications for Farms, guides P28 staff in determining the preemptive effect of State law. This PPM is available upon request at Planning, Zoning and Building Department.

### (2) Supplementary Use Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standards column.

### (3) The change in use for a previously approved non-residential structure shall be Permitted by Right, if in compliance with Art. 3.B.16.E.1, Right to Continue or Change Uses.
B. General Agricultural Standards
Reserved for future use.

C. Definitions and Supplementary Use Standards for Specific Uses
1. Agriculture, Bona Fide
   a. Definition
      Any plot of land where the principal use consists of the growing, cultivating, and harvesting of crops; the raising of animals, inclusive of aviculture, aquaculture, horses, and livestock; the production of animal products such as eggs, honey, or dairy products; or, the raising of plant material. The following standards shall apply to a Bona Fide Agriculture use, except where pre-empted by State law.

   b. Agricultural Uses in the U/S Tier
      1) Applicability
         Uses legally established prior to the effective date of this Code in the U/S Tier shall be considered conforming. Any expansion of existing agricultural uses shall be consistent with all applicable requirements and subject to the review procedure identified in this Code.

      2) Uses Not Listed
         Agricultural uses not listed in Table 4.B.6.A, Agricultural Use Matrix, as permitted in the U/S Tier shall only be permitted as an interim use, subject to Class A Conditional Use approval.

      3) AR Zoning District
         The AR Zoning District shall be considered consistent with all FLU designations in the U/S Tier for the purposes of permitting interim agricultural uses only.

      4) Temporary Agricultural Uses
         Property which has an existing Development Order may also receive an additional Development Order for a temporary agricultural use in the U/S Tier in accordance with the standards for the specific agricultural use, however, the agricultural use shall not be eligible for an agricultural tax exemption.

   c. Groves and Row Crop
      The cultivation of fruits and vegetables as groves and row crops shall be subject to the following additional standards in all zoning districts:

      1) Lot Size
         A minimum of five acres.

      2) Setback
         Structures and accessory activities shall be set back a minimum of 50 feet.

      3) Hours of Operation
         Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of 10,000 pounds, including load, from 7:00 p.m. to 6:00 a.m. is prohibited.

      4) Loading
         All loading and unloading of trucks shall be restricted to the site and shall not be permitted in any setbacks.

      5) Spraying
         No aerial application of any pesticides, fungicides, fertilizers, or any other chemical shall be allowed.

   d. Dipping Vats
      Dipping vats shall not be allowed in the AR Zoning District, unless approved as a Class B Conditional Use.

   e. Pens and Cages
      In the AR and AGR Zoning Districts, pens, cages, or structures shall meet the district setbacks for a principal use, or be set back a minimum of 50 feet from any property line, whichever is greater.

   f. Game and Exotic Animals
      The Florida Fish and Wildlife Conservation Commission (FWC) regulates game farms or game animal care for private or commercial purposes.

      1) Exotic Animals
         Care for exotic animals (imported or non-native animal species) for private or commercial breeding purposes shall have a minimum lot size of five acres.

      2) Dangerous or Class 1 and 2 Animals
         Ownership, care, or keeping of dangerous or Class 1 and 2 animals, as defined by the FG&FWFC, shall require Class A Conditional Use approval and shall have a minimum lot size of five acres.
g. Livestock Raising
   The breeding, raising, and caring for domestic animals including horses.
   1) Urban Service Area (USA)
      In the Urban Service Area, livestock raising shall comply with the following standards:
      a) Lot Size
         A minimum of five acres.
      b) Setback
         All accessory uses and structure, such as troughs, feed mechanisms and storage, shall be
         set back a minimum of 100 feet.
      c) Large Animals
         The maximum number of large animals permitted for each acre shall not exceed five. Large
         animals shall include horses, swine, cattle, goats, and sheep. An enclosed structure with
         one stall for each large animal is required when the total number of large animals exceeds
         three per acre. In addition, the following limitation on the number of specific large animals
         per acre shall apply: horses: five; swine: one; cattle: two; goats: two; sheep: two.
      d) Small Animals
         The maximum number of small animals permitted for each acre shall not exceed 100. Small
         animals shall include rabbits and fowl, excluding peafowl. Small animals shall be permitted
         in addition to large animals.
      e) Palm Beach County Animal Control Department (PBCACD)
         The Property Owner shall notify PBCACD as to the type of livestock and details of animal
         care to be provided.
      f) Processing and Slaughtering
         Processing and slaughtering shall be prohibited.
      g) Loading
         All loading and unloading of trucks shall be restricted to the site and shall not encroach any
         setback.
      h) Waste
         A plan outlining a method of waste removal shall be submitted to and approved by the PBC
         Health Department.
      i) Compatibility
         The use shall assure that there is no incompatibility with surrounding land uses. In the
         event that an incompatibility exists, the petitioner shall satisfactorily mitigate the
         incompatibility prior to receiving Conditional Use or DRO approval.

h. Agritourism
   Refer to F.S. § 570.85-§ 87 for applicability. [Ord. 2019-034]

i. Accessory Agricultural Uses
   These uses include “U-Pick-Em” operations; sale of on-site produced products; corrals; pens;
   training facilities; dipping vats; processing of raw material; storage sheds; repair, fabrication, body
   work and welding of agricultural equipment; freestanding coolers; bulk storage of petroleum
   products; shipping containers used for temporary storage; washing, cutting, and packing of farm
   products, and canning, dehydration, and basic preparation of raw food products prior to shipment,
   and outdoor storage of equipment.

j. Agriculture Marketplace
   A use that is accessory, incidental and subordinate, to a Bona Fide Agriculture use in the AGR Tier,
   conducted to allow for the sale of agricultural products or enhanced opportunities for visitors, which
   generates income for the owner or operator of the Bona Fide Agriculture use, adding economic
   viability to farming operations.
   1) Approval Process
      Class A Conditional Use.
   2) Location Criteria
      a) Tier and Zoning District
         AGR Tier and Zoning District only.
      b) Location
         The Agriculture Marketplace shall be located adjacent to an Arterial Road designated on
         the PBC Functional Classification of Roads Map.
c) **Proximity to Residential Uses**
The parcel or area designated on the Final Site Plan for an Agriculture Marketplace shall be located at least 500 feet measured from the property line, if adjacent to existing residential uses, or approvals for PUD or TMD Development Areas with residential uses.

3) **Minimum Acreage and Production**
May be allowed if the land area has a minimum of 75 contiguous acres. A Unity of Control shall be required at the time for the approval of the Class A Conditional Use.

a) **Agriculture Preserve Parcels**
The minimum acreage requirements may include parcels under an agricultural conservation easement, identified as an AGR-PUD Preserve or AGR-TMD Preserve, or other similar protections, provided that the Agriculture Marketplace is not located on those parcels.

b) **Agriculture Production**
A minimum of 70 percent of the overall land area must meet the requirements for Bona Fide Agriculture.

4) **Use Limitations and Sale of Products**
The area designated as an Agriculture Marketplace shall be limited to the retail sales of agricultural products such as fruits, vegetables, flowers, containerized house plants and other agricultural food products such as jelly, jam, honey and juice. This shall not preclude any structures from being used for the coordination of activities for permitted collocated uses, or other accessory, educational or recreational uses permitted on the Bona Fide Agriculture operation. The sale of grocery or convenience-type foods or products shall not be permitted nor shall vending machines or other similar equipment be permitted, unless stated otherwise herein.

a) **Floor Area**
A maximum of 24,000 square feet of GFA, including outdoor display areas. The floor area shall not include any FAR transferred from the portions of the site that is dedicated to Bona Fide Agriculture production or otherwise encumbered with a conservation easement, Preserve Area or other similar protection.

b) **Outdoor Open Space Area**
Areas set aside as outdoor open space for collocated uses and outdoor permanent activities shall be limited to a maximum of 12,000 square feet. Permanent shelters, such as Seminole chickee huts shall be limited to a maximum of 2,000 square feet.

c) **Collocated Uses**
Additional uses may be permitted subject to compliance with the Supplemental Use Standards for each use and the following:

   (1) **General Retail Sales**
   Ten percent or 2,000 square feet, whichever is less, of the GFA of the Agriculture Marketplace may be devoted to General Retail Sales. There shall be no exterior signage advertising to the public of the sale of grocery or other retail products. Approval shall be part of the Class A Conditional Use.

   (2) **Permanent Green Market**
   Subject to DRO approval. An Open Flea Market may be permitted in conjunction with a Green Market. The Open Flea Market shall be limited to ten percent of the total square footage of the Permanent Green Market.

   (3) **Retail Sales, Mobile or Temporary and Special Event**
   Mobile sales shall be permitted subject to approval of a temporary use through the ZAR process. [Ord. 2018-002]

   d) **Outdoor Permanent Activities**
   Activities shall be clearly shown and labeled on the Site Plan and shall function with other uses on the site. Impacts from these uses, including but not limited to, traffic, parking, rest rooms, or nuisances, shall be addressed as part of the Class A Conditional Use approval. The BCC may impose conditions of approval to address these activities. Additional activities, such as: cooking classes and charity events, shall be Permitted by Right, subject to the following:
   (1) Shall be located within the GFA of the Agriculture Marketplace or permitted Outdoor Open Space areas;
(2) The maximum number of participants, including a combination of special activities, shall not exceed 50 attendees; and,

(3) Overflow parking is provided. A minimum of one parking space shall be provided for each three attendees. This shall require the posting of adequate onsite directional signage to preclude any inappropriate parking activity, such as parking in rights of way or on adjacent properties.

e) **Outdoor Display**

    Shall be limited to agricultural products only, located along the property’s frontage or other area, except within required setbacks.

f) **Storage**

    Motor vehicles, including vans, trucks, semi-trucks, mobile homes, travel trailers, and other permanent or temporary structures shall not be used for storage or display purposes.

g) **Parking**

    Off-site parking within a public or private R-O-W, or to areas accessed by other than an approved access way, shall be prohibited.

h) **Hours of Operation**

    1) 8:00 a.m. to 6:00 p.m. Monday through Saturday; and
    2) 10:00 a.m. to 6:00 p.m. Sunday.

k. **Landscape Curbing**

    A Bona Fide Agriculture use may use railroad ties or landscape lumber as an alternate to the curbing requirement in Art. 7.C.4.E.2 Alternative to Curbing.

l. **Barbed Wire in AGR, AP, and AR Zoning Districts; and AGR-PDD Preserve Parcels**

    1) Barbed wire may be installed pursuant to Art. 5.B.1.A.2.e, Dangerous Materials.
    2) In the AR Zoning District with any Bona Fide Agriculture use, other than nurseries, provided it is set back a minimum of 25 feet from any property line.

2. **Agriculture, Light Manufacturing**

a. **Definition**

    An accessory agricultural use for the manufacturing of products related to agricultural operations, such as fencing, pallets, crates, or containers. Product components are predominantly assembled from previously prepared materials or finished parts. Manufacturing includes processing, fabrication, assembly, treatment, and packaging of such products, and accessory storage and distribution, but excludes heavy industrial processing or manufacturing.

b. **Setbacks**

    A minimum 100-foot setback shall be required adjacent to a residential zoning district.

c. **Accessory Use**

    Light Agricultural Manufacturing operations may be allowed as an accessory use to a related Bona Fide Agriculture use on the same property provided it does not exceed 25,000 square feet.

d. **Lanscaping**

    An Incompatibility Buffer may be omitted if the use is adjacent to Farm Workers Quarters or a Mobile Home accessory to agriculture.

3. **Agriculture, Packing Plant**

a. **Definition**

    A facility used for the packing of produce not necessarily grown on site.

b. **Typical Activities**

    Activities may also include canning, dehydration, washing, cutting, or basic preparation of raw produce prior to shipment.

c. **Approval Process – AR/RSA Zoning District**

    May be permitted in the AR/RSA Zoning District with an SA FLU, subject to a Class A Conditional Use approval.

d. **Zoning District AGR-PUD Preserve Area**

    An Agriculture Packing Plant located in an AGR Preserve Area, including where permitted as an accessory use as specified above, shall comply with the following:
    1) Located on a roadway classified as an Arterial Street on figure TE 3.1, Functional Classification of Roads; and
    2) Located on or adjacent to active agricultural crop production.

e. **Setbacks**

    A minimum of 100 feet along all property lines which are adjacent to a residential zoning district.
f. **Accessory Use**
A packing plant in the AP and AGR Zoning Districts, or the Preserve Area of an AGR-PUD, may be allowed as an accessory use to a related farm use on the same property, provided it does not exceed 25,000 square feet.

g. **Landscaping**
An Incompatibility Buffer as required by Art. 7.C.2.C, Incompatibility Buffer, may be omitted if the use is adjacent to Farm Workers Quarters or a Mobile Home accessory to a farm use.

h. **Storage**
Only equipment directly related to the facility shall be stored on the site. All stored equipment shall be screened from view from adjacent properties and streets.

4. **Agriculture, Renewable Fuels Production**
a. **Definition**
Any facility using biomass as its principal source of feed stock for the production of renewable fuel or fuels and other related renewable products including but not limited to ethanol or fuel ethanol.

b. **Setbacks**
The facility shall be located a minimum of 750 feet away from parcels with a residential zoning or Future Land Use designation that accommodate an existing residential structure.

c. **Review Procedures and Standards**
1) The Applicant shall submit a site plan, for informational purposes only, to the Zoning Division prior to Building Permit application. The site plan shall be consistent with the requirements indicated in the Technical Requirements Manual.
2) The owner or operator shall obtain the required approval and permits from all applicable Federal, State, and Local agencies prior to operating the facility.
3) The owner or operator shall perform a daily visual inspection of all wood material and similar vegetative matter to be used as feed stock.
4) Any toxic or hazardous waste generated at the site shall be handled pursuant to Chapter 62-730, F.A.C.

d. **Prohibitions**
1) The generation of toxic or hazardous waste effluent into the sanitary system shall be prohibited unless adequate pretreatment facilities have been constructed and are being utilized. The pretreatment facilities are subject to approval by DEP and the appropriate sewage works provider.
2) Feed stock observed to contain prohibited materials shall not be used.

e. **Separation Distance**
Facilities shall be separated two miles from an existing agricultural-related use.

5. **Agriculture, Research and Development**
a. **Definition**
The use of land or buildings for agriculture research and the cultivation of new agricultural products.

b. **Approval Process – AR/RSA Zoning District**
May be permitted in the AR/RSA Zoning District with an SA FLU, subject to a Class A Conditional Use approval.

c. **Outdoor Activities**
Outdoor research, testing or development of agricultural products shall be limited to industrial zoning districts only.

d. **Landscape**
A Bona Fide Agriculture use may use railroad ties or landscape lumber as an alternate to the curbing requirement in Art. 7.C.4.E.2, Alternative to Curbing.

6. **Agriculture, Sales and Service**
a. **Definition**
An establishment primarily engaged in the sale or rental of farm tools, small implements and farming equipment such as pickers and mowers; sale of livestock, feed, grain, tack, riding attire, animal care products, farm supplies, and the like:

b. **Approval Process – AR/RSA Zoning District**
May be permitted in the AR/RSA Zoning District with an SA FLU, subject to a Class A Conditional Use approval.
c. Storage
All storage areas for agricultural sales and service uses shall be enclosed or completely screened from view. A maximum of five tractor-trailers used for the transport of farm products may be stored outside if they are completely screened from view from adjacent properties and streets.

d. Grocery Sales
Five percent or 1,000 square feet, whichever is less, of the merchandise sales area use may be devoted to retail grocery sales. Shelves, floor area, counter space and overhead display areas shall be included in the calculation of the grocery sales area. There shall be no exterior signage and no external evidence of the availability of grocery products for sale.

e. Repair Service
Service of small implements only shall be permitted in an enclosed area that is completely screened from view from adjacent properties and set back a minimum of 25 feet from any side or rear property line. Repair activities shall occur only between the hours of 7:00 a.m. and 9:00 p.m.

7. Agriculture, Storage
a. Definition
The storage of equipment or products accessory or incidental to a principal agricultural use.

b. Storage
1) Storage of hazardous waste or regulated substances shall comply with Local, State, and Federal regulations.
2) Outdoor Agriculture Storage shall comply with the following standards:
   a) Urban Service Area
      (1) Setbacks
          Outdoor Agriculture Storage shall meet the principal use setbacks of the zoning district in which it is located.
      (2) Screening
          Outdoor Agriculture Storage shall be screened from view by a solid fence, wall or building.
   b) Outdoor Agriculture Storage
      Outdoor Agriculture Storage is only permitted in the RE, RT, RS, RM, CN, CC and CG Zoning Districts as a Class B Conditional Use.
      (1) Exception
          Outdoor Agriculture Storage is not permitted in a PDD with a commercial FLU designation.
3) Indoor Agricultural Storage shall be permitted in conjunction with a Bona Fide Agriculture use with or without a principal structure. Indoor storage shall be contained within a permanent structure. Agricultural Storage in a mobile home shall not be permitted. Agricultural Storage in a shipping container shall only be permitted in conjunction with a Bona Fide Agriculture use.
   a) AR Zoning District in Urban Service Area (USA)
      An enclosed structure shall be set back 100 feet from the front and side street and 50 feet from the side and rear property lines.
   b) All Other Zoning Districts in Urban Service Area (USA)
      An enclosed structure shall meet the principal use setbacks of the zoning district in which it is located.

8. Agriculture, Transshipment
a. Definition
A facility engaged in the transferring of agricultural products between two modes of transport, such as from a truck to a railroad car or from local vehicles to long-haul trucks.

b. Zoning District – AGR and AP
   1) Accessory Use
      Agricultural Transshipment facilities not exceeding 25,000 square feet shall be permitted as an accessory use.
   2) Setback
      A minimum 100-foot setback shall be required along all property lines which are adjacent to an existing residential use, zoning district, or FLU designation as of the effective date of this Code excluding Farm Workers Quarters and Mobile Homes accessory to agriculture.

9. Aviculture, Hobby Breeder
a. Definition
The raising and care of birds in captivity.
b. **Lot Size**  
The minimum lot size shall be as follows:  
1) Two acres: 40-200 birds.  
2) Five acres: 201 or more birds.

c. **Hobby Breeder**  
1) **AR/USA**  
The raising of birds as a hobby in the AR/USA shall be permitted subject to the following:  
a) The hobby breeder shall not engage in the sale of more than 24 birds to the public during any consecutive 12-month period;  
b) The hobby breeder shall not provide care for more than 40 birds on a parcel of land at any time;  
c) The minimum lot size of two acres;  
d) Shelters, cages, and accessory structure shall be set back a minimum of 50 feet from all property lines;  
e) Outdoor shelters and cages shall be contained to specific areas on the site and screened from view on all sides by a minimum six-foot-high opaque fence or wall. The fence or wall shall be located within 20 feet of the containment area;  
f) The hobby breeder shall locate birds which excessively screech, chirp, crow, or make loud noises away from residential properties to the maximum extent possible. Birds considered a nuisance by the Sheriff’s Office shall be removed from the site; and,  
g) Care, licensing, registration, and inspections shall be as required by the Animal Care and Control Ordinance and other applicable statutes.

10. **Community Vegetable Garden**  
a. **Definition**  
A plot of land used primarily as a vegetable garden which is cultivated and harvested by a group of residents from the surrounding area.

b. **Setbacks**  
Accessory activities shall maintain a setback of five feet from all property lines adjacent to residential zoning districts.

c. **Accessory Structures**  
1) Accessory structures shall be limited to 400 square feet.  
2) Accessory structures shall meet the setbacks of the zoning district in which the parcel is located.  

[d. **Parking**  
Overnight parking shall be prohibited.

e. **Loading**  
All loading and unloading activities shall be restricted to the site and shall not encroach into any setbacks.

f. **Landscaping**  
Shall be exempt from Art. 7, Landscaping, when located in the WCRAO or CCRT Areas.  

[g. **Storage**  
Outdoor storage shall be prohibited. Storage of all accessory equipment or products shall be contained within an accessory structure.

h. **Spraying**  
Aerial application of fertilizer or pesticides shall be prohibited.

11. **Equestrian Arena, Commercial**  
a. **Definition**  
An establishment engaged in commercial spectator activities involving equestrian events, but excluding any establishment engaged in gaming, pari-mutual wagering, off-track betting, events or activities held or broadcast for similar purposes.

b. **Tier**  
1) **Urban/Suburban (U/S)**  
a) **Lot Size**  
The minimum lot size shall be five acres.

b) **Frontage**  
The project in which an equestrian arena is located shall front on and access from Collector or Arterial Street.
c) **Hours of Operation**
Outdoor activity shall be limited from hours of 6:00 a.m. to 10:00 p.m. daily.

d) **Loudspeakers**
Loudspeakers and public address systems shall not be used before 8:00 a.m. or after 8:00 p.m.

2) **Rural, Exurban, Agricultural Reserve (AGR) and Glades**
   a) **Location**
      The project in which an equestrian arena is located shall have frontage on a paved street.
   b) **Operating Hours**
      Outdoor activity shall be limited to the hours of 5:00 a.m. and 10:00 p.m. daily.
   c) **Loudspeakers**
      Loudspeakers and public address systems shall not be used before 8:00 a.m. or after 8:00 p.m.

   c. **Setbacks**
      Riding, spectator viewing areas, and show rings shall not be located within 100 feet of any property line.

d. **Compatibility**
   Design of the site shall assure no incompatibility with surrounding land uses. When an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving Conditional Use or DRO approval.

12. **Farmers Market**
   a. **Definition**
      An establishment for the wholesale sale of farm produce.
   b. **Approval Process – AR/RSA Zoning District**
      May be permitted in the AR/RSA district with an SA FLU, subject to a Class A Conditional Use approval.
   c. **Frontage**
      Shall be located on an Arterial Street.
   d. **Setback**
      A Farmers Market shall be set back a minimum of 100 feet from property lines adjacent to a residential use existing as of the effective date of this Code, excluding Farm Workers Quarters and Mobile Homes accessory to agriculture.
   e. **Accessory Use**
      A Produce Stand shall be permitted as an accessory use to a Farmers Market.

13. **Nursery, Retail**
   a. **Definition**
      The retail sale of horticultural specialties such as flowers, shrubs, sod, trees, mulch and accessory hardscape materials such as decorative stones intended for ornamental or landscaping purposes.
   b. **Frontage**
      Shall front on and access from a Collector or Arterial Street.
   c. **Lot Size**
      A minimum of one acre is required in a residential zoning district.
   d. **Setbacks**
      All structures and outdoor storage areas shall be set back a minimum of 50 feet from the property line. Shade Houses shall be subject to the requirements pursuant to Art. 4.B.6.C.17, Shade House.
   e. **Loading**
      All loading and unloading of trucks shall occur on the site.
   f. **Accessory Uses**
      An office is permitted as an accessory use, provided it is not a mobile home.
   g. **Landscaping**
      A buffer, pursuant to Art. 7, Landscaping, shall be provided along all property lines except when the growing area is located adjacent to the property line of the site, as follows: [Ord. 2019-039]
      1) **R-O-W and Incompatibility Buffer**
         May be modified when the growing area is 50 feet or more in width, subject to the provision of Art. 4.B.6.13.g.3), Alternative Buffer, [Ord. 2019-039]
      2) **Compatibility Buffer**
         Is exempt where the growing area is adjacent to a parcel of land that has an existing agriculture use pursuant to Art. 4.B.6, Agricultural Uses, [Ord. 2019-039]
3) **Alternative Buffer**
   a) A six-foot-high landscape barrier shall be installed within a buffer with a minimum width of ten feet; [Ord. 2019-039]
   b) The landscape barrier shall be satisfied by plant material for sale provided that the plant material is grown in the ground, and spaced at least five feet on center. Plants in container may be used in lieu of the in-ground planting. Any removed plants shall be replaced, and shall be maintained to ensure there is a continuous visual screen being provided at all times [Ord. 2019-039]

4) **Barbed Wire**
   The use of barbed wire shall be prohibited.

   h. **Storage**
   Mulch, rock, soil, or similar material shall comply with the outdoor storage standards in Art. 5.B, **Accessory Uses and Structures**. In residential zoning districts, outdoor bulk storage shall be set back a minimum of 50 feet or the zoning district setback, whichever is greater.

   i. **Site Plan**
   Relocation of structures on a ZC or BCC approved site plan due to SFWMD or ERM requirements may exceed DRO threshold limitations.

   j. **Hours of Operation**
   Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of 10,000 pounds, including load, from 5:00 p.m. to 8:00 a.m. is prohibited.

   k. **Compatibility**
   The use shall assure that there is no incompatibility with surrounding land uses. When an incompatibility exists, the Property Owner shall satisfactorily mitigate the incompatibility prior to receiving Conditional Use or DRO approval.

   l. **Spraying**
   No aerial application of any pesticides, fungicides, fertilizers or any other chemical shall be allowed.

14. **Nursery, Wholesale**
   a. **Definition**
   The wholesale of horticultural specialties such as flowers, shrubs, sod, and trees, mulch and accessory hardscape materials such as decorative stones intended for ornamental or landscaping purposes.

   b. **Approval Process**

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<tr>
<td>Class B Conditional Use</td>
<td>≥ 20 ac.</td>
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   **Notes:**
   1. If no approved Final Site or Subdivision Plan, the application shall be subject to the Full DRO process.

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<th>≤ 10 ac.</th>
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<tr>
<td>DRO</td>
<td>≥ 40 ac.</td>
</tr>
</tbody>
</table>

   **Notes:**
   1. If no approved Final Site or Subdivision Plan, the application shall be subject to the Full DRO process.

   1) **All Other Districts**
   Permitted.

   c. **Tier**
   In addition to the above standards, a Wholesale Nursery in the U/S Tier shall comply with the following standards:

   1) **Lot Size**
   A minimum of one acre.
2) **Setbacks**
   All structures and outdoor storage areas shall be set back a minimum of 50 feet from the property line. Shade Houses shall be subject to the requirements pursuant to Art. 4.B.6.C.17, Shade House.

3) **Compatibility**
   The use shall assure that there is no incompatibility with surrounding land uses. When an incompatibility exists, the Property Owner shall satisfactorily mitigate the incompatibility prior to receiving a DO. [Ord. 2018-002]

4) **Spraying**
   No aerial application of any pesticides, fungicides, fertilizers, or any other chemical shall be allowed.

d. **Zoning District – AR**
   May be operated in conjunction with a residence.

e. **Accessory Use**
   1) A Retail Nursery may be permitted as an accessory use to a Wholesale Nursery in the AGR Tier.
   2) An office is permitted as an accessory use, provided it is not a mobile home.

f. **Parking and Loading**
   All parking and loading shall occur on site.

g. **Landscaping**
   A buffer, pursuant to Art. 7, Landscaping, shall be provided along all property lines except when the growing area is located adjacent to the property line of the site, as follows: [Ord. 2019-039]
   1) **R-O-W and Incompatibility Buffer**
      May be modified when the growing area is 50 feet or more in width, subject to the provision of Art. 4.B.6.14.g.3), Alternative Buffer. [Ord. 2019-039]
   2) **Compatibility Buffer**
      Is exempt where the growing area is adjacent to a parcel of land that has an existing agriculture use pursuant to Art. 4.B.6, Agricultural Uses. [Ord. 2019-039]

3) **Alternative Buffer**
   a) A six-foot-high landscape barrier shall be installed within a buffer with a minimum width of ten feet. [Ord. 2019-039]
   b) The landscape barrier shall be satisfied by plant material for sale provided that the plant material is grown in the ground, and spaced at least five feet on center. Plants in container may be used in lieu of the in-ground planting. Any removed plants shall be replaced, and shall be maintained to ensure there is a continuous visual screen being provided at all times. [Ord. 2019-039]

4) **Barbed Wire**
   The use of barbed wire shall be prohibited.

h. **Storage**
   Outdoor bulk storage of mulch, rock, soil or similar material shall comply with the outdoor storage standards contained in Art. 5.B, Accessory Uses and Structures. Outdoor bulk storage in residential zoning districts shall be set back a minimum of 50 feet or the district setback, whichever is greater.

i. **Hours of Operation**
   Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of 10,000 pounds, including load, from 7:00 p.m. to 6:00 a.m. is prohibited.

j. **Limitations of Sales**
   Sales from a Wholesale Nursery are limited to exporters, distributors, landscape contractors, retailers, or other businesses.

k. **Site Plan**
   Relocation of structures on a ZC or BCC approved site plan due to SFWMD or ERM requirements may exceed the DRO limitations contained in Art. 2.G.4.G, Development Review Officer (DRO).

15. **Potting Soil Manufacturing**
   a. **Definition**
      An establishment engaged in producing potting soil, including the use of incineration.

   b. **Approval Process – AR/RSA**
      May be permitted in the AR/RSA district with an SA FLU, subject to a Class A Conditional Use approval.
c. Location
The facility shall front on and access from a Collector or Arterial Street.

d. Setbacks
A minimum of 50 feet from any property line abutting a residential zoning district or use.

e. Collocated Uses
If a Potting Soil Manufacturing facility includes chipping, mulching, grinding, or air curtain incinerator, adherence to the Supplementary Use Standards applicable to such uses shall also be required.

f. Storage
Storage of unprocessed material shall be limited to 45 days and pile height of storage material shall be limited to 15 feet. Outdoor storage piles shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a residential zoning district or use. Storage areas shall be screened from view, pursuant to Art. 5.B, Accessory Uses and Structures.

g. Supplemental Application Requirements
1) Site Plan
   The Site Plan shall illustrate how the operation functions including circulation routes, square footage, height; and location of buildings, equipment, and storage piles.

2) Dust Control
   A plan to address dust control in traffic, storage and processing areas. Dust control measures may include: additional setbacks, full or partial enclosure of chipper or grinder and watering or enclosing mulch piles.

16. Produce Stand
   a. Definition
      An establishment engaged in the retail sale of fruits, vegetables, flowers, containerized house plants and other agricultural food products. The sale of grocery or convenience-type foods or products shall not be permitted, unless stated otherwise herein.

   b. Permanent
      1) Maximum Floor Area
         The square footage of the establishment shall include both the structure and all accessory areas devoted to display or storage.

      2) Outdoor Display and Storage
         Outdoor storage shall be subject to the provisions in Art. 5.B, Accessory Uses and Structures. Outdoor display of only fresh fruits and vegetables is permitted, along the property's frontage, except within the required setbacks.

      3) Sale of Products
         a) General
            Includes sales of agricultural food products such as jelly, jam, honey, and juice. No ZAR process shall be permitted in conjunction with the stand except for seasonal sales. Seasonal sales that require additional storage area may be permitted in accordance with Art. 4.B.11.C.10, Temporary Retail Sales. No vending machines or other similar equipment shall be permitted on site. [Ord. 2018-002] [Ord. 2019-005]

         b) Urban/Suburban Tier
            The sale of packaged or canned food products may be permitted, where in compliance with the following:
               (1) The parcel has commercial Future Land Use designation; and
               (2) Sales area is limited to five percent of the total square footage of the structure, or 1,000 square feet, whichever is less.

      4) Building Construction
         The Produce Stand shall be contained in either an entirely enclosed or roofed open-air structure. Motor vehicles, including vans, trucks, semi-trucks, mobile homes, travel trailers, and other permanent or temporary structures shall not be used for storage or display purposes.

      5) AR/RSA and AGR Tiers
         In addition to the standards above, permanent produce stands shall comply with the following:

         a) Locational Criteria
            The structure and accessory area shall be:
               (1) Located on an Arterial designated on the PBC Thoroughfare Plan; and
               (2) Located at least 500 feet from adjacent existing residential uses.
b) **Lot Size**
   The stand shall be located on a legal lot of record. A minimum of one acre shall be allocated to the exclusive use of the stand and accessory parking area.

c) **Setbacks**
   The structure and accessory area shall be set back at least 50 feet from the front and side corner property lines. The rear and side interior setbacks shall meet the minimum standards of the zoning district.

d) **Approval**
   A permanent Produce Stand shall be a permitted use in the AGR and AR, and by a DRO approval through the ZAR Process in the CN, CC, and CG districts. [Ord. 2018-002]
   
   1) **AR and AGR Zoning Districts**
      The area devoted to the permanent Produce Stand exceeding 3,000 square feet shall be approved subject to a Class A Conditional Use.

6) **Stands Less than 1,500 Square Feet**
   In addition to the standards stated above, stands less than 1,500 square feet (including both the structure and all accessory areas devoted to display or storage) shall be subject to the following development standards:

   a) **Paving**
      The surface parking lot may be constructed of shell rock or other similar material. At a minimum, the following areas shall be paved in accordance with [Art. 6, Parking, Loading, and Circulation], of this Code:
      
      1) A paved driveway apron area, connecting the streets to the site shall be subject to approval by the County Engineer; and
      2) Handicap parking spaces and handicap access.

7) **Wholesale**
   Wholesale of produce shall be allowed in the AGR Zoning District only.

c. **Temporary Stands**
   A temporary stand used for the retail sale of agricultural products not necessarily grown on the site. A temporary Produce Stand shall consist exclusively of fresh unprocessed fruit, vegetables, flowers, and containerized interior houseplants.

1) **Use Limitations**
   a) **Location Criteria**
      The stand and accessory area shall be located:
      
      1) on an Arterial Street designated on the PBC Thoroughfare Plan;
      2) a minimum of 100 feet from an Intersection of an Arterial and any other dedicated R-O-W;
      3) at least 600 feet from any other agricultural stand permitted in accordance with these provisions; if located in a zoning district other than a commercial district;
      4) at least 500 feet from adjacent residential uses, and,
      5) located on a legal lot of record no less than one acre in size.

   b) **Number**
      Only one stand shall be permitted on a lot of record.

   c) **Approval**
      Subject to approval of a temporary use through the ZAR Process. [Ord. 2018-002]

   d) **Setbacks**
      The stand shall be set back a minimum of 35 feet from the front property line and 50 feet from all other property lines.

   e) **Size and Configuration**
      The stand shall not exceed 300 square feet. The accessory area shall be limited to display, storage and cashier purposes and shall be covered by a removable cantilevered canopy or umbrellas. No outdoor display or storage shall occur outside of the stand, umbrella, or canopy area.

2) **Uses**
   No on-site food preparation or processing shall be permitted. No vending machines shall be permitted on site. No additional temporary uses shall be approved in conjunction with the stand except for seasonal sales. [Ord. 2018-002]
3) Parking
A minimum of two spaces and additional spaces subject to approval by the Zoning Director.

4) Special Regulations
   a) Mobility
      The stand shall retain its mobility, and have a frame of sufficient strength to withstand being transported by wheels, skids, or hoist.
   b) Building Materials
      The stand shall be constructed of durable materials such as but not limited to metal, fiberglass, wood, etc. The structure used for a stand shall be constructed for the sole purpose of selling agricultural products. Semi-truck trailers, mobile homes, and other permanent or temporary structures shall not be used as a stand. Motor vehicles, including vans and small trucks may be permitted provided the vehicle is removed from site at the end of each business day. These vehicles shall not be used for permanent or temporary residential purposes.
   c) Refrigeration
      Refrigeration shall be contained within the confines of the stand. If a motor vehicle is used for the stand, portable refrigeration may be used if contained as part of a motor vehicle and removed from the site daily.
   d) Signage
      Signs shall be limited to two, with a combined maximum sign face area of 32 square feet per side. Signs shall be set back a minimum of five feet from the base building line and have a minimum separation of 100 feet. Banners, pennants, balloons, or flags shall be prohibited.
   e) Existing Stands
      All stands with a valid permit in effect on July 11, 1995, and which have been operating continually with a valid Business Tax Receipt since issuance of the valid permit, shall be considered conforming uses. These operations may continue in the configuration as existed on July 11, 1995 in accordance with the laws and ordinances of PBC, Florida, and as provided herein:
      (1) the enclosed portion of the stand shall not exceed 300 square feet unless provided for below;
      (2) display of products immediately adjacent to the stand, whether or not displayed under an umbrella or canopy, may continue in the same configuration as existed on July 11, 1995;
      (3) the stand shall not sell any products unless permitted in accordance with the uses permitted to be sold in an agricultural stand as set forth in this Subsection, as amended;
      (4) portable refrigeration may be permitted if confined within the 300-square foot stand and all required electrical permits have been obtained;
      (5) the use of vending machines shall not continue; and,
      (6) expansion of existing stands shall not be permitted. Any future expansion of an existing stand shall comply with the regulations of this Section. If an existing stand is expanded, repaired, or altered, the affected area shall comply with the regulations herein.

17. Shade House
   a. Definition
      A temporary screen enclosure used to protect plants from insects, heat and exposure to the sun.
   b. Permits
      A Shade House used for Bona Fide Agriculture purposes less than 12 feet in height shall not be required to obtain a Building Permit.

Table 4.B.6.C – Minimum Setbacks 12 Feet or Less In Height

<table>
<thead>
<tr>
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<th>Front and Street</th>
<th>Side and Rear</th>
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Table 4.B.6.C – Minimum Setbacks over 12 Feet in Height

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<td>15 feet</td>
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c. **Commercial Greenhouse**

Commercial greenhouses having roofs and walls made of rolled plastic or other similar materials, used for the indoor cultivation of plants, including hydroponic farming using water containing dissolved inorganic nutrients, may be permitted in the AGR Zoning Districts, subject to the following:

1) **DRO Approval**

Commercial greenhouses that exceed the FAR limitations of FLU Element Table III.C.2 of the Plan, or with five or more acres of building coverage must be approved by the DRO.

2) **Property Development Regulations**

Setbacks for greenhouses in excess of 25 feet in height must be in accordance with Table 3.D.1.A, Property Development Regulations (PDRs). Setbacks for greenhouses less than 25 feet in height may be reduced by 50 percent. FAR and Building Coverage may be increased up to a maximum of 0.75 to accommodate commercial greenhouses.

3) **Landscaping and Buffering**

Commercial greenhouses are exempt from the interior and foundation planting requirements of Art. 7.C.3, Interior Landscaping. A Type 3 Incompatibility Buffer shall be required along property lines where greenhouses are adjacent to or visible from a public R-O-W or parcels with a civic, conservation, commercial, recreational, or residential FLU designation or use. Buffers shall be a minimum of 25 feet in width for greenhouses up to 25 feet in height, and 50 feet for greenhouses greater than 25 feet in height.

   a) **Exceptions**

      (1) **Visual Screening**

      Landscape buffer and planting requirements may be waived in areas where it can be demonstrated that greenhouse structures are not visible from the subject property lines or use areas.

      (2) **Alternative Planting**

      Planting requirements may be satisfied by the use of existing native vegetation or the placement of other related plant material, provided that the growing area is at least 25 feet wide and meets the buffering requirements for a Type 3 Incompatibility Buffer.

4) **Parking**

All parking and loading shall occur in the designated areas indicated on the site plan.

   a) **Parking**

      If vans, buses, or commercial loading vehicles are used for employee transportation, required parking shall be configured to accommodate these vehicles.

   b) **Loading**

      Loading zones shall not be oriented towards residential uses, and shall be set back from property lines a minimum of 250 feet, unless approved as a Type 1 Waiver.

5) **Storage**

Only equipment directly related to the facility may be stored on site. All stored equipment must be screened from view from adjacent properties and streets.

6) **Interior Lighting**

Greenhouses shall not be illuminated between 9:00 p.m. and 6:00 a.m. if light is visible from outside of the structure from any adjacent R-O-W, or properties with a residential FLU designation or use.

7) **Accessory Office**

An office is permitted as an accessory use, subject to the following and all other applicable requirements:

   a) Less than five acres of commercial greenhouse: 1,000 square feet.

   b) Greater than five acres of commercial greenhouse: 2,000 square feet.

   c) Bathroom facilities shall not be included in the calculation of office square footage.

8) **Signage**

Signage for commercial greenhouses shall be limited to one freestanding sign located at the project’s primary entrance.
18. Stable, Commercial
   a. Definition
      An establishment for boarding, breeding, training or raising of horses not necessarily owned by the
      owners or operators of the establishment; rental of horses for riding or other equestrian activities,
      excluding uses classified as an equestrian arena.
   b. Use Limitations
      A Commercial Stable shall be limited to raising, breeding, training, boarding, and grooming of
      horses, or rental (livery) of horses for riding and instruction.
   c. Overlay – LOSTO
      A Commercial Stable with 20 or fewer stalls shall be subject to a DRO approval through the ZAR
   d. Frontage
      The minimum required frontage on a public street to be used from the primary point of access shall
      be 100 feet, or the minimum standard of the Tier in which the stable is located, whichever is greater.
   e. Lot Size
      A minimum of five acres.
   f. Setbacks
      A minimum of 25 feet from any property line, or the minimum setback of the zoning district,
      whichever is greater.
   g. Collocated Uses
      A Commercial Stable may be operated in conjunction with a residence and shall comply with the
      PBCACC.

19. Stable, Private
   a. Definition
      The breeding, boarding, training, or raising care of horses owned by the occupants or owners of
      the premises. A Private Stable shall comply with the PBCACC.
   b. Setbacks
      1) Accessory Structure
         A Private Stable with 12 stalls or fewer located on a parcel with a Single Family residence shall
         be considered an accessory structure and shall meet the setback requirements for an
         accessory structure, or 25 feet, whichever is greater.
      2) Principal Structure
         A Private Stable with more than 12 stalls located on a parcel with a Single Family residence,
         or a vacant parcel, shall be considered a principal structure and shall meet the applicable
         setback requirements for a principal structure.
   c. Boarding
      On sites of at least two acres, boarding for up to four horses not owned by the owner or occupant
      of the premises shall be permitted.

20. Sugar Mill or Refinery
   a. Definition
      An establishment for the extraction and refining of sugar from agricultural products.
   b. Setback
      Shall be set back 300 feet from off-site residentially occupied or zoned property. In the AR Zoning
      District, a Sugar Mill or Refinery shall be permitted on land in an RR FLU designation as a Class A
      Conditional Use.
## Section 7 Utility Uses

### A. Utility Use Matrix

#### TABLE 4.B.7.A – UTILITY USE MATRIX

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<tr>
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<th>COMMERCIAL</th>
<th>IND</th>
<th>INST</th>
<th>Use Type</th>
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<th>MUPG FLU</th>
<th>MSPG PIDS</th>
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**Use Approval Process Key:**
- **P** Permitted by Right
- **D** Subject to DRO Approval
- **A** Subject to BCC Approval (Class A Conditional Use)
- **B** Subject to Zoning Commission Approval (Class B Conditional Use)
- **X** Prohibited Use, unless stated otherwise within Supplementary Use Standards

**Note:** Supplementary Use Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standards column.
B. General Utility Standards
Reserved for future use.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Chipping and Mulching
   a. Definition
      An establishment using equipment designed to cut tree limbs, yard trash, or brush into small pieces for use as mulch.
   b. Approval Process
      1) A Chipping and Mulching Use accessory to a Bona Fide Agriculture use in the AP Zoning District may be Permitted by Right.
      2) Chipping and Mulching may be allowed in the AR Zoning District of the RSA with an SA FLU designation, subject to Class A Conditional Use approval.
   c. Access
      Access shall be limited to Arterial, Collector, or Local Commercial Streets which do not serve residential lots. Entrances shall be gated and set back from the road as required by the County Engineer to prevent access during non-operating hours from unauthorized persons.
   d. Lot Size
      A minimum of five acres.
   e. Separation Distance
      The use shall be located a minimum of 500 feet from a parcel of land with a residential FLU designation or uses.
   f. Collocated Uses to Recycling Plant
      Chipping and Mulching may be approved by the DRO subject to the Supplementary Use Standards for Chipping and Mulching.
   g. Outdoor Storage
      1) Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a parcel with a residential FLU designation or use.
      2) Bollards or other acceptable barricade to the Zoning Division shall be provided to delineate pile locations.
      3) The pile height of storage materials shall be limited to 15 feet or less if required by Chapter 62-709, F.A.C., as amended. Bollards shall be maintained to indicate maximum permitted height, and tied to a finished grade benchmark delineated on site.
      4) Outdoor storage of material shall be limited to 45 days.
   h. Hours of Operation
      The hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday if within 1,000 feet of a residential zoning district.
   i. Operation Functions
      The Zoning application shall include but not limited to a Justification and supporting documentation demonstrating acceptable industry design, configuration and operational standards, based on the type of materials processed and stored, including but not limited to the following:
      1) Site Plan
         The Site Plan shall illustrate how the operation functions including circulation routes; and the location and size of loading and processing areas and storage piles.
      2) Waste Volume
         An explanation of the quantity of waste to be received, expressed in cubic yards per day or tons per day.
      3) Dust Control
         A plan to address how dust generated from traffic, storage and processing areas will be managed pursuant to Art. 5.E.4.D.3, Dust and Particulate.
      4) SWA Permit
         Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.

2. Composting Facility
   a. Definition
      A facility designed and used for transforming yard waste, clean wood and other organic material into soil or fertilizer through biological decomposition.
   b. Approval Process
      1) A Composting Facility accessory to a Bona Fide Agriculture use in the AP Zoning District may be Permitted by Right.
2) A Composting Facility may be allowed in the AR Zoning District in the RSA with an SA FLU designation, subject to Class A Conditional Use approval.

c. **Access**
   Access shall be limited to Arterial, Collector, or Local Commercial Streets which do not serve residential lots. Entrances shall be gated and set back from the road as required by the County Engineer to prevent access during non-operating hours from unauthorized persons.

d. **Lot Size**
   A minimum of five acres.

e. **Separation Distance**
   The use shall be located a minimum of 500 feet from a parcel of land with a residential FLU designation or uses.

f. **Outdoor Storage**
   1) Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a parcel with a residential FLU designation, zoning district, or use.
   2) Outdoor storage of material shall be limited to 45 days
   3) The pile height of storage materials shall be limited to 15 feet or less if required by Chapter 62-709, F.A.C., as amended.
   4) The height of materials shall be tied to a finished grade benchmark delineated on site.
   5) Bollards or other acceptable barricade to the Zoning Division shall be provided to delineate pile locations.

g. **Hours of Operation**
   The hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday if within 1,000 feet of a residential FLU designation or use.

h. **Operation Functions**
   The Zoning or Building application, whichever is submitted first, shall include a Justification Statement and supporting documentation demonstrating acceptable industry design, configuration and operational standards, based on the type of materials processed and stored, including but not limited to the following:
   1) **Site Plan**
      The Site Plan shall illustrate how the operation functions including circulation routes; and the location and size of loading and processing areas and storage piles.
   2) **Waste Volume**
      An explanation of the quantity of waste to be received, expressed in cubic yards per day or tons per day.
   3) **Dust Control**
      A plan to address how dust generated from traffic, storage and processing areas will be managed pursuant to Art. 5.E.4.D.3, Dust and Particulate.
   4) **SWA Permit**
      Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.

i. **Backyard Composting**
   This use does not include backyard-composting bins serving individual families.

j. **Glades and AGR Tiers**
   The composting, storage or disposal of equestrian and other animal waste, and bio solids shall be prohibited in the Glades and AGR Tiers. This provision does not prohibit accessory uses to Bona Fide Agriculture or Composting Facilities with County approval in the AGR Tier as of the effective date of this Ordinance. [Ord. 2018-018]

3. **Electric Distribution Substation**
   a. **Definition**
      Defined in accordance with F.S. § 163.3208, as an electric substation which takes electricity from the transmission grid and converts it to a lower voltage so it can be distributed to customers in the local area on the local distribution grid through one or more distribution lines less than 69 kilovolts in size.
   b. **Landscaping**
      The use shall comply with the following additional requirements unless variance relief is obtained from landscaping regulations:
1) **Landscape Buffering – General**

Pursuant to **F.S. § 163.3208**, as may be amended from time to time, required perimeter buffers or landscape material located under overhead lines to the substation equipment shall not exceed a mature height of 14 feet.

2) **Landscape Buffering in Residential Areas**

Pursuant to **F.S. § 163.3208**, as may be amended from time to time, where located in or adjacent to a parcel of land with a residential FLU designation or use, landscape buffering shall be upgraded as follows:

a) An eight-foot-high wall or fence and native vegetation shall be installed around the substation where equipment or structures are setback less than 50 feet from the property line.

b) An open green space shall be maintained between required security fencing, equipment or structures, by installing native landscaping, including trees and shrub material, around the substation where equipment or structures are setback between 50 and 100 feet from the property line.

c. **Standard Residential Zoning Districts**

Electric Distribution Substations shall not be collocated with Neighborhood Recreation Facilities.

4. **Electric Power Plant**

a. **Definition**

An electric generating facility that uses any process or fuel, and includes any associated facility that directly supports the operation of the electrical power facility.

b. **Setbacks and Separation**

1) An Electric Power Plant, for electrical generation only, shall not be located within 1,000 feet of a parcel with a residential FLU designation or use.

2) Principal uses and structures (excluding electric poles) shall be set back a minimum of 500 feet from all property lines.

3) Accessory uses and structures (excluding electric poles) shall be set back a minimum of 50 feet from all property lines.

c. **Ash Disposal and Wood Recycling Facilities – AP Zoning District**

Ash disposal and wood recycling facilities shall be permitted on sites in the AP Zoning District as an accessory use to biomass Electric Power Plant. The primary use for the site shall be consistent with the underlying zoning designation.

1) Ash disposal facilities shall not exceed 220 feet in height measured from the existing grade at the base of the facility.

2) Ash disposal facilities shall be used only for the disposal of ash produced onsite by the biomass Electric Power Plant.

3) Ash disposal facilities shall not be constructed until the plans for its construction and operation have been reviewed and approved by all applicable governmental agencies.

4) Ash disposal facilities shall be constructed as a Class I landfill in compliance with the applicable standards adopted by the Florida Department of Environmental Protection and set forth in **F.S. § 403.707** and **Chapter 62-701, F.A.C.**, for Class I landfills.

d. **Screening and Perimeter Buffers**

A Type 3 Incompatibility Buffer shall be required when the subject site is adjacent to or visible from any street or parcels with a conservation (when open to the public), commercial, or residential FLU designation or use. Palms may not be substituted for required Canopy trees.

e. **Collocated Use – Electric Transmission Substation Facility**

An Electric Transmission Substation collocated with a new request or DOA for an Electric Power Plant may be reviewed and approved as one application, and shall comply with the requirements of **Art. 4.B.7.C.5, Electric Transmission Substation**.

5. **Electric Transmission Substation**

a. **Definition**

A facility associated with the transfer of bulk electrical energy from Electric Generating Plants to Electric Distribution Substations, including transmission voltage facilities or switching substations.

b. **Setbacks**

Notwithstanding the requirements of **Table 3.D.1.A, Property Development Regulations (PDRs)**, setbacks for Electric Transmission Substations, excluding transmission and distribution lines and electric poles, shall be as follows:
1) Buildings used for Electric Transmission Substations shall be set back a minimum of 50 feet from all property lines.

2) Setbacks for mechanical equipment, related structures and fencing shall be a minimum of 75 feet, or a minimum of 150 feet when adjacent to or visible from a street or parcels with a conservation (when open to the public), commercial, or residential FLU designation or use. Setbacks may be reduced to 100 feet, if the Incompatibility Buffer is increased to 50 feet in width and the number of required trees are doubled. Setbacks may also be reduced to 75 feet when adjacent to commercial properties, or when separated from adjacent properties by a R-O-W 100 feet in width or greater, if the Applicant can demonstrate that structures will not be visible from residential or public use areas.

3) One additional foot of setback shall be provided in addition to the minimum setback for each one foot in height, or fraction thereof, over 35 feet.

c. Landscaping
A Type 3 Incompatibility Buffer shall be required when the subject site is adjacent to or visible from any street or parcels with a conservation (when open to the public), commercial, or residential FLU designation or use. Palms shall not be substituted for required Canopy trees.

d. Standard Residential Zoning Districts
An Electric Transmission Substation shall not be collocated with Neighborhood Recreation Facilities.

6. Landfill or Incinerator
a. Definition
A facility for the disposal or incineration of solid waste for which a permit is required by the Florida Department of Environmental Protection, which receives solid waste for disposal in or upon the land. The term does not include a land-spreading site, injection well or surface impoundment.

b. SWA Permit
Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.

c. Airport Land Use Compatibility Zoning
1) New Landfills are prohibited, and existing Landfills within the following areas are restricted pursuant to **Art. 16.C.1.E, General Land Use Regulations – Off-Airport Land Use Compatibility Schedule (Appendix 8)**: [Ord. 2017-025]
   a) Within 10,000 feet from the nearest point of any Airport runway used or planned to be used by turbine aircraft or, [Ord. 2017-025]
   b) Within 5,000 feet from the nearest point of any Airport runway used by only non-turbine aircraft or, [Ord. 2017-025]
   c) Outside the perimeters defined in subparagraphs a) and b), but still within the lateral limits of the civil airport imaginary surfaces defined in **14 CFR § 77.19**. Case-by-case review of such landfills is advised. [Ord. 2017-025]

2) Where any Landfill is located and constructed in a manner that attracts or sustains hazardous bird movements from feeding, water or roosting areas into, or across, the runways or approach and departure patterns of aircraft. The Landfill operator must incorporate bird management techniques or other practices to minimize bird hazard to airborne aircraft. These management techniques shall be addressed in the applicable zoning application. DOA, in consultation with the PZB, shall administer the review of development application for compliance. [Ord. 2017-025]

7. Minor Utility
a. Definition
An above-ground facility associated with utility distribution, collection, or transmission networks, required by their nature to be relatively dispersed throughout their service area other than electric generation and transmission facilities.

b. Typical Uses
Gas and water regulators, chlorine injection and potable water booster pump stations; water reclamation treatment, storage and distribution facilities, membrane bioreactor plants, sewage lift stations, telephone exchange buildings, and communication substations.

c. Floor Area
1) Residential Zoning Districts
A maximum of 3,000 square feet of gross enclosed floor area of buildings. Square footage calculations shall not include tanks and unoccupied facilities and structures.
2) **Non-Residential Zoning Districts**
   A maximum of 10,000 square feet of gross enclosed floor area of buildings. Square footage calculations shall not include tanks and unoccupied facilities and structures.

3) A Minor Utility exceeding either standard above may be approved as a Class A Conditional Use.

d. **Lift Station**
   1) **New Subdivisions**
      Facilities located in new subdivisions may be allowed subject to DRO approval concurrent with the subdivision approval.

   2) **Streets**
      Facilities located within streets or utility easements shall not be subject to DRO approval.

e. **States of Emergency**
   The PZB Executive Director may waive the review timeframes in the event of a declared state of emergency.

f. **Hours of Operation**
   Minor Utilities are not subject to the hours of operation in **Art. 5, Supplementary Standards**.

8. **Renewable Energy Solar Facility**
   a. **Definition**
      A facility that uses photovoltaic, thermal, or other systems with a principal use of producing electric or thermal power from the sun that is then stored and delivered to the transmission system and consumed off site. [Ord. 2019-023]

   b. **Lot Size**
      Lots shall comply with the minimum lot dimension requirements pursuant to **Table 3.D.1.A, Property Development Regulations (PDRs)**, or the applicable PDD requirements.

c. **Setbacks**
   Accessory electric poles, distribution, and transmission lines shall be exempt from the minimum setback requirements indicated below:

   1) **Lots 50 Acres or Greater**
      Setbacks shall be a minimum of 25 feet from the side and rear property lines. The facility shall comply with the minimum front and side street setbacks of the applicable zoning district.

   2) **Lots Less Than 50 Acres**
      Setbacks shall be a minimum of 15 feet from the side and rear property lines. The facility shall comply with the minimum front and side street setbacks of the applicable zoning district.

   3) **Lots Adjacent to Existing Residential Uses**
      Setbacks shall be a minimum of 35 feet or the zoning district setback, whichever is greater, along the affected property line.

   4) **Additional Setback**
      One additional foot of setback shall be required in addition to the minimum setback indicated above for each one foot of height, or fraction thereof, over 20 feet.

d. **Perimeter Buffers and Interior Tree Requirements**
   1) For facilities within the Rural, Exurban, and Glades Tiers greater than 250 acres in size, the following rules shall apply: [Ord. 2019-023]

   a.) **R-O-W Buffer**
      Shall be exempt from the requirements of **Art. 7.C.2.A, R-O-W Buffer**, provided a six-foot-high landscape barrier is installed. If a hedge is proposed, credit to satisfy the hedge material may be granted for on-site preservation of existing vegetation pursuant to **Art. 7.E.3, Credit and Replacement**. An alternative hedge height may be allowed subject to the following: [Ord. 2019-023]

      1) Minimum two feet at time of installation and maintained at a minimum height of six feet and no greater than 12 feet pursuant to **Art. 7.D.4.A, Hedges**: [Ord. 2019-023]

      2) The solar panels, including support structures, shall be no greater than eight feet in height and set back a minimum of 80 feet from the adjacent R-O-W or base building line, whichever is more restrictive; and, [Ord. 2019-023]

      3) The area between the R-O-W Buffer and the minimum setback shall be limited to landscaping, drainage easements, and a drive aisle that is used for the repair, maintenance, and/or installation of the solar panels, when the hedge is less than six feet in height. [Ord. 2019-023]
b.) **Compatibility Buffer**

(1) Shall be exempt from the landscaping requirements of [Art. 7, Landscaping] when the site meets or exceeds the minimum 25-foot setback, and is adjacent to a parcel of land with agricultural or utility uses or a conservation FLU designation; or [Ord. 2019-023]

(2) Shall be exempt from the landscaping requirements of [Art. 7, Landscaping] when the site meets or exceeds a 50-foot setback, and is adjacent to a parcel of land with an existing landscape buffer. [Ord. 2019-023]

c.) **Incompatibility Buffer**

The Type 3 Incompatibility Buffer may be reduced to 50 percent of the landscaping materials, excluding the width, and can be a hedge or fence. [Ord. 2019-023]

2) **All Tiers**

These facilities shall be exempt from interior landscape requirements for the developable area pursuant to [Art. 7, Landscaping]. [Ord. 2019-023]

e. **Collocation with Existing Electric Power Plant**

Solar facilities located on a site with an existing Electric Power Plant may be approved pursuant to the approval process indicated in the appropriate Use Matrix, and shall not be subject to a Development Order Amendment pursuant to [Art. 2.B.7.C, Development Order Amendment (DOA)].

9. **Renewable Energy Wind Facility**

a. **Definition**

A facility that uses one or more wind turbines, meteorological (MET) towers, or other systems with a principal use of producing electric or mechanical power from the wind.

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**Figure 4.B.1.A – Typical Renewable Energy Wind Turbine**
b. **Environmental Permitting – Letters of Engagement**

The Applicant shall provide a letter of engagement from all applicable environmental permitting agencies, including but not limited to: the Florida Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife Service, Florida Department of Environmental Protection, or other applicable regulatory agency. Letters of engagement, or similar documentation, shall indicate that the proposed facility is under review for applicable permitting or siting requirements for endangered, threatened or species of special concern, migratory birds or bats, natural ecosystem or wetlands, or other local wildlife. The documentation shall be submitted to the Zoning Division, with the Zoning application. The Letter of Engagement shall include, at a minimum:

1) Identify organization as Federal, State, or Local;
2) Key individuals involved in review;
3) Role in review process (i.e. studies, review, or permitting); and,
4) Identify any permits or approvals required, critical dates, input in review process, and possible conditions of approval, where applicable.

d. **Lot Size**

Lots shall comply with the minimum lot dimension requirements pursuant to Table 3.D.1.A, Property Development Regulations (PDRs), or the applicable PDD requirements. Nonconforming legal lots of record may be included within the boundaries of a Renewable Energy Wind Facility if the overall project boundaries meet the minimum standards for the zoning district.

e. **Setback or Separation Requirements**

Accessory electric poles, distribution, and transmission lines shall be exempt from the minimum setback requirements indicated below.

1) Facilities shall comply with the minimum setback requirements of the applicable zoning district unless stated otherwise in the following Table.

### Table 4.B.7.C – Renewable Energy Wind Facility Setbacks or Separations

<table>
<thead>
<tr>
<th>Structures</th>
<th>Minimum Separation (1)(2)</th>
<th>Minimum Setback (1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wind Turbines, MET Towers, or Other Similar Wind Energy Systems</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory or Collocated Buildings or Structures</td>
<td>Minimum Project Boundary</td>
<td></td>
</tr>
<tr>
<td>Occupied Buildings within Project Boundary</td>
<td>Habitable Buildings within Project Boundary</td>
<td></td>
</tr>
<tr>
<td>1.1 x Height</td>
<td>2.5 x Height</td>
<td>2.5 x Height</td>
</tr>
<tr>
<td>Occupied or Habitable Buildings Outside of Project Boundary</td>
<td>Project Boundary</td>
<td></td>
</tr>
<tr>
<td>Non-Residential FLU</td>
<td>Residential or Conservation FLU</td>
<td></td>
</tr>
<tr>
<td>1.5 x Height</td>
<td>2.0 x Height</td>
<td>2.5 x Height</td>
</tr>
<tr>
<td>Public R-O-W</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**

1. Setback or separation from wind turbines, MET towers or other similar structures shall be measured from the base as depicted in Figure 1.C.4.E, Typical Example of Measurement of Separation from Structure.
2. Definitions for Habitable and Occupied shall be in accordance with the Florida Building Code, as may be amended.

2) **Type 2 Variance for Setbacks or Separations**

Requests for Type 2 Variances from the setback or separation requirements listed above shall be permitted in accordance with Art. 2, Application Processes and Procedures, and the following:

a) The minimum proposed setback or separation is not less than 1.1 times the height of the structure; and

b) The Applicant submits a study demonstrating that shadow flicker caused by the proposed Renewable Energy Wind Facility will not affect any occupied or habitable building or outdoor recreation area. Some shadow flicker not to exceed 30 hours annually may be approved as part of the variance upon demonstration that the frequency range is not adverse to any segments of the public. The study shall be prepared by a licensed engineer, surveyor and mapper, architect, landscape architect, or other similar professional, including scientists specializing in Renewable Energy Wind technology.
3) **Setback within Multi-Parcel Renewable Energy Wind Facilities in AP**

Except for setbacks from habitable and occupied buildings as set forth in Table 4.B.7.C, Renewable Energy Wind Facility Setbacks or Separations, MET towers or other similar wind energy systems on parcels with an AP FLU designation and AP Zoning District, setbacks shall be measured from the Project Boundary, not from any lot lines located within the Project Boundary.

4) The measurement of height shall be in accordance with Art. 4.B.9.B.5, Tower Height (related to commercial communication towers), except that for wind turbines, the height shall be measured to the top of the turbine blade.

e. **Perimeter Buffers and Interior Tree Requirements**

1) A Type 1 Incompatibility Buffer shall be required when the subject site is adjacent to or visible from any street or parcels with a conservation (when open to the public), commercial, public and civic, or residential FLU designation, zoning district, or use. In addition, a Type 2 Incompatibility Buffer shall be required around the perimeter of all ground-mounted equipment or accessory buildings. Palms may be substituted for 50 percent of the required Canopy trees.

2) Wind turbines or MET towers located on parcels with an AP FLU designation and Zoning District shall be exempt from the landscaping requirements above.

3) These facilities shall be exempt from interior landscape requirements for the developable area pursuant to Art. 7.C.3, Interior Landscaping.

f. **Collocation with Existing Electric Power Plant**

Renewable Energy Wind Facilities located on a site with an existing Electric Power Plant shall be approved pursuant to the approval process indicated in the appropriate Use Matrix, and shall not be subject to a legislative Development Order Amendment, pursuant to Art. 2.B.7.C, Development Order Amendment (DOA).

g. **Removal**

A Renewable Energy Wind project ("Project"), when deemed “abandoned,” shall be removed in accordance with the provisions of this Subsection g. For the purposes of this Section, the term Project shall also include individual wind turbines or MET towers located within a larger Renewable Energy Wind Facility. The Project shall be deemed “abandoned” when the Project is completely unable to generate electricity, whether through continued operation or repowering, and where the owner of the Project (“Project Owner”) is not engaged in any effort to remedy the condition that gave rise to the complete inability to generate electricity, or if the project fails to generate electricity for a period of three years regardless of the efforts of the Project Owner. If a Project is deemed “abandoned,” the Project Owner shall commence removal of the Project. The arrangements regarding removal of the Project are to be set forth in contracts between the applicable landowners and the Project Owner, which such arrangements shall:

1) Require the removal of the turbine towers and foundations up to a depth of 36 inches below grade;

2) Establish a time frame up to 24 months, subject to adjustment due to force majeure events, to complete the removal; and,

3) Provide surety, in a form subject to approval of the County Attorney, for removal to the applicable landowner (as primary beneficiary) and to the County (as secondary beneficiary in the event the landowner fails to timely enforce its rights under the surety instrument). The amount of the surety shall be calculated by an independent, Florida certified professional engineer immediately prior to the date it is required to be provided, as set forth in this clause (3), and shall be equal to the cost of removing the Project. The surety amount shall be recalculated every five years thereafter. The surety, which shall be in the form of a single instrument, shall be provided to the applicable landowner and the County upon the earlier to occur of:

   a) The date which is ten years prior to the end of the lease term between the applicable landowner and the Project Owner, as such term may be extended from time to time, or

   b) The 90th day following the date the Project is deemed “abandoned.”
h. **MET Tower Approval Process Exceptions**  
Permanent MET towers shall be considered a permitted accessory structure to a Renewable Energy Wind Facility.  

1) **DRO Approval**  
A temporary MET tower located on a parcel with an AP FLU designation and Zoning District, to be erected for a period of not more than three years, may be approved by the DRO.  

2) **Permitted by Right**  
A temporary MET tower located on a parcel with an AP FLU designation and Zoning District, to be erected for a period of not more than three years, where located one mile or more from a public R-O-W, or parcel of land with a conservation (when open to the public), commercial, public, civic, or residential FLU designation or use, may be Permitted by Right.  

i. **Microwave Path Analysis**  
At time of submittal for final DRO approval, a professionally prepared microwave path analysis shall be submitted for review and approval by FDO. Prior to final DRO approval, the site plan shall clearly depict any area(s) of the site that is required by that analysis to remain free and clear of encroachments in order to preclude interference with County microwave communication systems.  

j. **Aircraft Hazard**  
To ensure the safety of low flying aircraft, any application shall demonstrate compliance with **14 CFR § 77.9** and notification requirements to the Administrator of the FAA. In the event there are no applicable FAA requirements for safety markings of wind turbines or MET towers the following safety marking requirements shall be applied:  
1) Paint will be applied to the top one-third of the MET tower in alternating bands of international orange and white.  
2) Three orange guy wire marker spheres will be installed on each of the outer guy wires of the MET tower.  
3) Ten-foot yellow florescent sleeves will be attached on either side of each marker sphere.  
4) A low-intensity flashing red light will be mounted at the top of the MET tower.  
5) Ten-foot yellow florescent sleeves will be attached to each guy wire at the anchor points of the MET tower.  

k. **Color**  
Towers, turbines, and blades shall be painted non-reflective white or grey, or other non-reflective unobtrusive color and shall be consistent with any information provided at time of DO approval. Change in color may be allowed subject to DRO approval, where required by regulatory agency permitting or other similar approvals. Signage, equipment, or project logo or labeling shall be prohibited on wind turbines, MET towers, or other similar wind energy systems.  

10. **Solid Waste Transfer Station**  
a. **Definition**  
A facility where solid waste or yard waste from smaller vehicles is transferred into larger vehicles before being shipped or transported to a solid waste processing or disposal facility.  

b. **Location**  
The facility shall front on and have access from an Arterial or Collector Street.  

c. **Setbacks**  
All portions of a transfer station, including structures, ramps, parking and on-site circulation areas, shall be set back a minimum of 50 feet or the zoning district setback, whichever is greater, from all property lines, lakes, canals, water management tracts, retention/detention areas, drainage swales, and other water bodies.  

d. **Buffer**  
A minimum 50-foot-wide Incompatibility Buffer shall be provided adjacent to an existing residential FLU designation or use. Required landscaping not visible from adjacent lots or streets may be waived through a Type 1 Waiver.  

e. **Storage Areas**  
All solid waste stored outdoors shall be in leak-proof containers or located on a paved surface designed to capture all run-off. Run-off shall be treated in a manner that is in conformance with Local, State, and Federal regulations. Solid waste or yard waste may be sorted or temporarily stored but not processed at a Transfer Station.  

f. **Operation Functions**  
1) **Access**  
A graphic and written analysis of access routes to the site.
2) **Type**
   An explanation of the type of facility requested including a description of the materials to be handled, methods of operation, handling procedures, whether sorting will occur, and runoff treatment plans.

3) **Waste**
   The quantity of waste to be received, expressed in cubic yards per day or tons per day.

4) **Hours of Operation**
   A statement specifying the hours of operation.

5) **SWA Permit**
   Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.

11. **Water or Wastewater Treatment Plant**
   a. **Definition**
      A facility designed for treatment and disposal of more than 5,000 gallons per day of water or wastewater.

   b. **Location**
      In the AGR Zoning District, a Water or Wastewater Treatment Plant shall not be located west of SR 7/US 441.

   c. **Sanitary Nuisances**
      Facilities shall be designed and operated to minimize objectionable odors. Potential sanitary nuisances shall be addressed by the PBC Health Department pursuant to **F.S. ch. 386, pt. I**, as may be amended from time to time.

   d. **Setbacks – Water or Wastewater Treatment Plant**
      For purposes of this Section, the AR Zoning District is not considered a residential zoning district. Required setbacks are as follows:
### Table 4.B.7.C– Wastewater Treatment Plant Setbacks

<table>
<thead>
<tr>
<th>Type/Capacity</th>
<th>Type of Plant</th>
<th>Setback from Residential and Commercial Zoning District</th>
<th>Setback From Non-Residential and Non-Commercial Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wastewater Treatment Plants over one million gallons per day capacity:</td>
<td>Head works, clarifiers, sludge treatment &amp; handling facilities without odor control</td>
<td>750 feet</td>
<td>500 feet</td>
</tr>
<tr>
<td></td>
<td>Head works, clarifiers, sludge treatment &amp; handling facilities with odor control</td>
<td>300 feet (2)</td>
<td>200 feet (1)</td>
</tr>
<tr>
<td></td>
<td>Chemical storage facilities</td>
<td>300 feet</td>
<td>200 feet</td>
</tr>
<tr>
<td></td>
<td>Accessory facilities</td>
<td>200 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td>Wastewater Treatment Plants up to one million gallons per day capacity including package treatment facilities</td>
<td>Treatment units without odor control</td>
<td>150 feet</td>
<td>150 feet</td>
</tr>
<tr>
<td></td>
<td>Treatment units with odor control</td>
<td>100 feet (1)</td>
<td>100 feet (1)</td>
</tr>
<tr>
<td></td>
<td>Chemical storage facilities</td>
<td>100 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td></td>
<td>Accessory facilities</td>
<td>100 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td>Water Reclamation Production Facility (any capacity standalone facility larger than a minor utility which is filtering already treated wastewater (secondary effluent) (3)(4))</td>
<td>Storage Tanks, Filtration System, Hypochlorite tanks, Office/Lab/Generator buildings, and accessory facilities</td>
<td>50 feet front; 15 feet side; 25 feet side street; and, 20 feet rear or the minimum district setback, whichever is greater</td>
<td>50 feet front; 15 feet side; 25 feet side street; and, 20 feet rear or the minimum district setback, whichever is greater</td>
</tr>
<tr>
<td>Membrane Bio- Reactor (MBR) System</td>
<td>Storage tanks, enclosed reinforced hollow fiber or flat plate membranes, clarification, aeration and filtration of wastewater for discharge or reuse applications</td>
<td>50 feet front; 15 feet side; 25 feet side street; and, 20 feet rear or the minimum district setback, whichever is greater</td>
<td>50 feet front; 15 feet side; 25 feet side street; and, 20 feet or the minimum district setback, whichever is greater</td>
</tr>
</tbody>
</table>

**Notes:**
1. Minimum lot dimensions shall be governed by the regulations above or the most recent standards adopted by the District and shall apply only to new schools. The District shall forward any changes in the standards to the Department within 20 days of School Board adoption. Minimum lot dimensions shall include, if applicable, sufficient room for any onsite retention.
2. Tertiary filters do not require odor control.
3. If an existing utility site is being redeveloped into a water reclamation production facility or MBR, the setbacks established for the original use will be utilized for the water reclamation facility or MBR unless they are more restrictive than the setbacks noted in this Table. If the reclamation or MBR facility qualifies as a minor utility those regulations will apply instead of this Table.
4. A Water Reclamation Production Facility treating raw wastewater to tertiary levels must meet the setback requirements for a Wastewater Treatment Plant of similar capacity unless it qualifies as a minor utility, in which case, those regulations will apply.

### Table 4.B.7.C – Water Treatment Plant Setbacks for Open Treatment Process

<table>
<thead>
<tr>
<th>Type/Capacity</th>
<th>Type of Plant</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Treatment Plants over two million gallons per day capacity</td>
<td>Treatment units and chemical storage</td>
<td>200 feet</td>
</tr>
<tr>
<td></td>
<td>Units which cause airborne sulfides</td>
<td>500 feet (1)</td>
</tr>
<tr>
<td></td>
<td>Accessory facilities</td>
<td>100 feet</td>
</tr>
<tr>
<td>Water Treatment Plants up to two million gallons per day capacity, including package treatment facilities</td>
<td>Treatment units and chemical storage</td>
<td>100 feet</td>
</tr>
<tr>
<td></td>
<td>Units which cause airborne sulfides</td>
<td>250 feet (2)</td>
</tr>
<tr>
<td></td>
<td>Accessory units</td>
<td>100 feet</td>
</tr>
</tbody>
</table>

**Notes:**
1. Odor Control. Unless treatment for removal of sulfides for odor control is included.
2. Maximum building height. Buildings not including storage tanks and water towers higher than 35 feet are allowed provided the following setbacks are met:
   a. The minimum yard setback of this Section; and
   b. An additional one-foot setback for each one foot in height exceeding 35 feet.
Table 4.B.7.C – Water Treatment Plant Setbacks for Enclosed Treatment Process without Gas Chlorine

<table>
<thead>
<tr>
<th>Type/Capacity</th>
<th>Yard</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Treatment Plants over two million gallons per day capacity</td>
<td>Front</td>
<td>80 feet</td>
</tr>
<tr>
<td></td>
<td>Side</td>
<td>50 feet</td>
</tr>
<tr>
<td></td>
<td>Rear</td>
<td>50 feet</td>
</tr>
<tr>
<td></td>
<td>Chemical Storage</td>
<td>200 feet</td>
</tr>
<tr>
<td>Water Treatment Plants up to two million gallons per day capacity, including package treatment facilities</td>
<td>Front</td>
<td>80 feet</td>
</tr>
<tr>
<td></td>
<td>Side</td>
<td>50 feet</td>
</tr>
<tr>
<td></td>
<td>Rear</td>
<td>50 feet</td>
</tr>
<tr>
<td></td>
<td>Chemical Storage</td>
<td>100 feet</td>
</tr>
</tbody>
</table>

Notes:
1. Chemical storage setbacks may be reduced by fifty percent for facilities using enclosed treatment process without Chlorine gas, along property lines adjacent to parcels with a PO Zoning District and INST FLU designation, or AP Zoning District and FLU designations.

e. Accessory Use
   A Water or Wastewater Treatment Plant may be collocated with a Public School installed in accordance with all applicable Federal, State, and Local utility standards.
   1) Location/Buffering
      The facility shall be located and buffered to ensure compatibility with surrounding land use.
   2) Duration
      The use of the facility shall only be permitted until such time as central water or wastewater service is available from the appropriate utility.

f. Landscaping
   1) Buffer
      Perimeter landscape buffers shall have a minimum width of 25 feet or be equal to the setback requirements if less than 25 feet.
   2) Trees
      A single row of trees shall be planted all landscape buffers at a ratio of one 14-foot-tall tree for each 25 linear feet.
   3) Screening
      Screening consisting of a hedge, berm, or fence wall which will present a visual screen at least six feet in height within one year of installation shall be provided around the perimeter of the site.

g. Package Treatment Facility
   Package water or wastewater treatment facilities shall comply with the following additional standards:
   1) Limited Service Area (LSA)
      a) Package treatment facility shall be prohibited in the LSA except for use by schools or located in the United Technology Corporation Protection Overlay or the North County General Aviation Facility.
      b) If a package treatment facility is proposed to be developed in the LSA, confirmation shall be provided from the PBCHD that use of a package treatment plant is necessary to protect water quality. The PBCHD shall certify that the uses proposed can be adequately served with a package treatment plant.
   2) Rural Service Area (RSA)
      If a package treatment facility is proposed to be developed in the RSA, there shall be demonstrated evidence that it is to be used to provide potable water or wastewater service to Bona Fide Agriculture uses, public recreational uses, public educational uses, or other uses when found to be consistent with the Plan by the Planning Director and upon approval of the Director of the PBCHD. The PBHD may impose conditions or restrictions necessary to protect public health and prevent the creation of a nuisance. All package plants in the RSA shall be operated and maintained by a public utility. Based on the standards of operator coverage in Chapter 62-699, F.A.C. and Chapter 62-602, F.A.C., the BCC, may require a higher level of operator coverage.
h. **Effect on Previously Approved Plants**
   
   Water and Wastewater Treatment Plants approved prior to the effective date of this Code shall be considered conforming uses. Expansion or redevelopment of existing facilities or an existing utility site to the same or a different utility use or treatment technology may be allowed with setbacks less than those listed in this Section of the Code provided the expansion or redevelopment is reviewed and approved by the DRO and odor control is provided if applicable.

i. **Biosolids Land Application**

   Class A or B biosolids, as defined by Chapter 62-640, F.A.C., may be applied to land in Bona Fide Agriculture operation in the AP, AGR, and AR Zoning Districts. Class AA biosolids, as defined by Chapter 62-640, F.A.C., has unlimited distribution pursuant to Chapter 62-640, F.A.C. Nothing herein shall preclude disposal of biosolids at a Landfill or at a Wastewater Treatment Plant in compliance with applicable Federal, State, and Local regulations nor effect any biosolid operation approved prior to the effective date of this Code.

   1) **AP and AGR Zoning Districts**

   A Class A or B biosolid shall be Permitted by Right on the site of a Bona Fide Agriculture operation in the AP and AGR Zoning Districts in compliance with FDEP standards in Chapter 62-640, F.A.C., as verified by the PBCHD. Following verification, the PBCHD shall be notified of the proposed first date of the land application no fewer than 30 days prior to land application.

   2) **AR Zoning District**

   Land application for a Class A or B biosolid shall be permitted in the AR Zoning District on the site of a Bona Fide Agriculture operation following approval by the DRO. An Applicant shall demonstrate compliance with FDEP standards except that the required separation from buildings and other property lines shall be as specified below. In the case of several adjacent properties which apply for a biosolid the properties may be combined for the purpose of measuring the required separation and the separation may be measured from the boundary of the most exterior property.

   a) **External Separation**

   There shall be a minimum separation of 500 feet from any off-site structure occupied on a daily or frequent basis by people. This distance shall be measured from the perimeter of the biosolid application area outward toward the structure.

   b) **Internal Separation**

   Internal to the site, there shall be a minimum 200-foot separation from the perimeter of the biosolid application area to the property line of the parcel.

   c) **Setbacks**

   These setbacks may be reduced or increased by the Director of the PBCHD.
## Section 8 Transportation Uses

### A. Transportation Use Matrix

#### TABLE 4.B.8.A – TRANSPORTATION USE MATRIX

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<thead>
<tr>
<th>Use Type</th>
<th>SUPPLEMENTARY STANDARDS</th>
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<td>Transportation</td>
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<td>Uses</td>
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<thead>
<tr>
<th>Use Type</th>
<th>SUPPLEMENTARY STANDARDS</th>
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<td>Airport</td>
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<td>Heliport</td>
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<td>Seaplane Facility</td>
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<td>Transportation Facility</td>
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</table>

Use Approval Process Key:

- **P** Permitted by Right
- **D** Subject to DRO Approval
- **A** Subject to BCC Approval (Class A Conditional Use)
- **B** Subject to Zoning Commission Approval (Class B Conditional Use)
- **-** Prohibited Use, unless stated otherwise within Supplementary Use Standards

(1) Supplementary Use Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standards column.
B. General Transportation Standards for Aviation Related Uses

All Airports, Heliports, Landing Strips, and Seaplane Facilities not owned and operated by the State of Florida, PBC, or a hospital shall comply with the following standards:

1. **Setbacks**
   a. No structure or navigation aid shall be located within 50 feet of any property line.
   b. There shall be a 100-foot setback between the edge of the landing area, as defined by the FDOT, and the property line.

2. **Structure Height**
   A variance shall not be required for a structure to exceed the height limit for the zoning district in which the use is located, if the additional height is required by Federal law or Florida Statutes.

3. **Hangars**
   Storage buildings for aircraft shall be allowed as principal structures. Hangars accessory to an Agriculturally-Classified Use as established by State Statutes shall be located on parcels containing a minimum of 20 acres.

4. **FAA and FDOT Requirements**
   DRO and Class A Conditional Use approvals as related to FAA and FDOT requirements shall be in accordance with F.S. § 125.022(4), Development permits.

C. Definitions and Supplementary Use Standards for Specific Uses

1. **Airport**
   a. **Definition**
      Any facility designed to accommodate landing or take-off operations of aircraft.

2. **Heliport or Vertiport**
   a. **Definition**
      A facility designed to accommodate helicopter operations or other vertical takeoff and landing rotorcraft, including facilities and structures, needed for heliport business to function.
   b. **Accessory Use**
      Except where otherwise allowed as a principal or collocated use, a Heliport limited to landing and takeoff of helicopters, tilt rotors or rotorcraft may be allowed as an accessory use, as follows:
      1) Accessory to an Agriculturally-Classified Use as established by State Statutes, in the AGR, AR, AP, and RE Zoning Districts, located on parcels containing a minimum of ten acres, shall be Permitted by Right.
      2) Accessory to Single Family in the AR, RE, and RM Zoning Districts, subject to Class A Conditional Use approval.
      3) Accessory to Residential subdivision, as a Neighborhood Recreation Facility, or within the Recreation or Civic Pod of a PDD or TDD, subject to Class A Conditional Use approval.
      4) Accessory to a Public Park as follows:
         a) Subject to Class A Conditional Use approval if located within 1,000 feet from a parcel of land with a residential use or FLU designation. A Heliport shall be Permitted by Right if located more than 1,000 feet from a parcel of land with a residential use or FLU designation. Measurement shall be made from the edge of the helipad to the property line of a parcel of land with a residential FLU designation or use; or
         b) Permitted by Right if limited to a helipad for emergency purposes.
      5) A helipad accessory to Data and Information Processing, and Research and Development subject to Class A Conditional Use approval.
      6) Accessory to Government Services or Government Facilities, subject to Class A Conditional Use approval. A Heliport shall be Permitted by Right if located more than 1,000 feet from a parcel of land with a residential FLU designation or use. Measurement shall be made from the edge of the helipad to the property line of a parcel of land with a residential FLU designation or use.
      7) Accessory to a Hospital may be Permitted by Right.

3. **Landing Strip**
   a. **Definitions**
      A ground facility designed to accommodate landing and take-off operations of aircraft, including facilities or structures, needed for landing strip functions.
b. Accessory Uses
Except where otherwise allowed as a principal or collocated use, a Landing Strip may be allowed as an accessory use, as follows:
1) Accessory to an Agriculturally-Classified Use as established by State Statutes, in the AGR, AP, and AR/RSA Zoning Districts, located on parcels containing a minimum of 20 acres, shall be Permitted by Right.
2) Accessory to Residential subdivision, as a Neighborhood Recreation Facility, or within the Recreation or Civic Pod of a PDD or TDD, subject to Class A Conditional Use approval.
3) Accessory to Government Services or Government Facilities, subject to Class A Conditional Use approval.

4. Seaplane Facility
a. Definitions
A facility, on land or water, designed to accommodate the landing and takeoff of seaplanes, water taxiing, anchoring, ramp service, and onshore facilities.

b. Separation Distance – Residential Zoning District
1) If the Seaplane Facility use is limited to the adjacent Property Owners who jointly own and maintain the aircraft facility, it may be located in a residential zoning district provided the facility is not commercial or within 400 feet of a residential use.
2) If the facility is a commercial venture, it shall not be located within 1,000 feet of a parcel of land with a residential FLU designation or use.

c. Minimum Land Area
The minimum required land area for any type of seaplane operation shall be two acres.

d. Water Area
All seaplane operations shall comply with the following minimum standards for water landing area:

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<th>Table 4.B.8.C – Seaplane Landing Area Standards</th>
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e. Airport Approach
No seaplane operation shall be considered unless the airport approach to the water landing area is at a slope of 40-to-one or flatter for a distance of at least two miles from both ends of the water landing area and is clear of any building structure or portion thereof that extends through and above the airport approach plane.

f. Setbacks
All buildings, structures, and aircraft parked on shore shall be located a minimum distance from all property lines of at least 50 feet.

g. Landing Operations
All aircraft landings shall be performed under Visual Flying Rules (VFR) and shall not be conducted during the hours between sunset and sunrise.

h. Parking
Shore facilities shall provide one automobile parking space for each 2,000 square feet of hangar or tie-down area, or one space per craft, whichever is greater. All shore facilities shall provide a minimum of five parking spaces.

5. Transportation Facility
a. Definition
An establishment used as a transfer point for the loading and unloading of passengers from one mode of transportation to another, excluding airports, aviation related uses, and bus stops and alighting areas as outlined within Art. 5.H, Mass Transit Standards.

b. Typical Uses
A Transportation Facility use may include, but not be limited to: bus stations, ferryboat or cruise ship terminals, and commuter railroad stations.
c. Approval Process
   1) UC, UI, and PO Zoning Districts
      a) A Transportation Facility in the UC and UI Zoning Districts that is subject to Class A Conditional Use approval may be approved by the DRO if located 200 feet or more from a parcel of land with a residential FLU designation or use.
      b) A Transportation Facility in the PO Zoning District that is subject to Class A Conditional Use approval shall be Permitted by Right if located 200 feet or more from a parcel of land with a residential FLU designation or use.
   2) All Other Zoning Districts
      A Transportation Facility in all other zoning districts subject to Class A Conditional Use approval may be approved by the DRO if located 500 feet or more from a parcel of land with a residential FLU designation or use.

d. Location
   Bus or railroad stations shall have frontage on and access from a Collector or Arterial Street, unless located within a PDD or TDD.

e. Separation from Residential
   A Transportation Facility located within 200 feet from a parcel of land with a residential FLU designation or use shall be subject to the following:
   1) Building openings used by vehicles and unglazed architectural openings shall not face residential; and
   2) A Type 3 Incompatibility Buffer shall be required.

f. Vehicular and Pedestrian Circulation Areas
   The site design shall address the following:
   1) Vehicle idling and queuing spaces do not encumber on-site circulation traffic or present a safety hazard for vehicles or pedestrians.
   2) Designated passenger drop off/pick up areas.
   3) A minimum six-foot-wide sidewalk in front of or adjacent to the drop-off spaces and connected to the building entrance.
   4) On-site vehicular circulation paved areas shall be set back a minimum 100 feet if adjacent to a parcel of land with a residential FLU designation or use.
### TABLE 4.B.9.A – COMMERCIAL COMMUNICATION TOWERS MATRIX

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**Commercial Communication Towers**

- **Use Type**
  - Stealth Tower ≤ 60’
  - Stealth Tower > 60’ ≤ 125’
  - Stealth Tower > 125’ ≤ 200’
  - Stealth Tower > 200’

**Use Approval Process Key:**

- P Permitted by Right
- D Subject to DRO Approval
- A Subject to BCC Approval (Class A Conditional Use)
- X Prohibited Use, unless stated otherwise within Supplementary Use Standards

**Supplementary Use Standards**

- (1) Supplementary Use Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standards column.
### TABLE 4.B.9.A – COMMERCIAL COMMUNICATION TOWERS MATRIX

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**Use Approval Process Key:**

- **P** Permitted by Right
- **D** Subject to DRO Approval
- **A** Subject to BCC Approval (Class A Conditional Use)
- **B** Subject to Zoning Commission Approval (Class B Conditional Use)
- **-** Prohibited Use, unless stated otherwise within Supplementary Use Standards

*(1) Supplementary Use Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standards columns.*
B. General Standards

Commercial Communication Towers include provisions for any tower, pole, or structure that supports a device whose principal use is to facilitate transmissions for AM/FM radio, television, microwave; cellular, personal wireless services, or related forms of electronic communications. The regulations include provisions for Stealth, Camouflage, Monopole, Self-Support/Lattice, and Guyed Towers.

<table>
<thead>
<tr>
<th>Camouflage</th>
<th>Stealth</th>
<th>Monopole</th>
<th>Self-Support/Lattice</th>
<th>Guyed</th>
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Table 4.B.9.B – Typical Examples of Commercial Communication Towers

1. Collocated Tower and Accessory Structures

Communication towers may be permitted on a lot with another principal use as provided herein unless stated otherwise.

a. **Owned Parcel**

Communication towers may be located on lots containing another principal use, including another communication tower.

b. **Leased Parcel**

Towers may occupy a leased parcel on a lot that meets the minimum lot size requirement of the zoning district in which it is located. PBC may require execution of a unity of control, or other documentation as determined appropriate by the County Attorney, for leased parcels that do not meet the minimum lot size requirement for the zoning district in which they are located.

c. **Accessory Structures**

Any structure accessory to communication towers, other than peripheral supports and guy anchors, shall conform to the setback requirements for the zoning district in which it is located.

2. Separation and Setbacks

Separation between communication towers and other uses on the lot may be required to ensure compatibility. Separation or setbacks for all towers shall be established, as provided in Table 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Residential Zoning Districts, and Table 4.B.9.B. Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, unless stated otherwise herein.
### a. Towers Located in Residential Zoning Districts

**Table 4.B.9.B – Minimum Separation and Setbacks for Towers Located in Residential Zoning Districts**

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<th>Tower Type</th>
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<th>AR/USA</th>
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<td><strong>Stealth Tower ≤ 125’</strong></td>
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<td><strong>Camouflage Tower 150’ Max. (1)</strong></td>
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**Notes:**

1. Maximum height subject to the specific requirements contained in the Supplementary Use Standards.
2. Applicable to any tower height.

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[Ord. 2017-016]

Notes:

1. Maximum height subject to the specific requirements contained in the Supplementary Use Standards.
2. Applicable to any tower height.
3. Exceptions to minimum setbacks or separations may be allowed in accordance with Art. 4.B.9.D.1.f, Exceptions to Separations and Setback Requirements.
### b. Towers Located in Non-Residential Zoning Districts

**Table 4.B.9.B – Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts**

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[Ord. 2017-016]

**Notes:**

1. Maximum height subject to the specific requirements contained in the Supplementary Use Standards.
2. Applicable to any tower height.
3. Separation or setback as a percentage of tower height.

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<td></td>
<td></td>
<td>20% of tower height or zoning district setback whichever is greater</td>
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<tr>
<td>[Ord. 2017-016]</td>
<td>Notes:</td>
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</tr>
</tbody>
</table>

Notes:
1. Maximum height subject to the specific requirements contained in the Supplementary Use Standards.
2. Applicable to any tower height.
3. Exceptions to minimum setbacks or separations may be allowed in accordance with Art. 4.B.9.D.1.f, Exceptions to Separations and Setback Requirements.

% Separation or setback as a percentage of tower height.

c. Conforming Use or Structure
Construction of any lawful residential or non-residential structure within the required separation distance shall not create a nonconforming use or structure when an existing communication tower is established pursuant to the provisions in Art. 4.B.9.B.2, Separation and Setbacks.

3. Measurement of Separation and Setback from Residential Uses
a. Existing Residential Use
Separations from existing residential structures shall be measured from the wall of the closest principal residential structure to the base of the tower.
b. **Vacant Residential Parcel**

Setbacks from vacant residential parcels shall be measured from adjacent property lines to the base of the tower.
4. Distance between Towers
Towers shall be subject to the following minimum distances between towers:

Table 4.B.9.B – Distance between Towers

<table>
<thead>
<tr>
<th>Tower Type</th>
<th>Zoning District</th>
<th>Parcels &lt; 10 ac. in: AP, IG, IL, and PIPD</th>
<th>Parcels ≥ 10 ac. in: AP, AR, IG, IL, and PIPD</th>
<th>PUD: COV Pod, MUPD: INST FLU, and IPF</th>
<th>Electrical Transmissions Lines and Substations, and FDOT R-O-Ws</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>AGR, PC, and parcels &lt; 10 ac. in AR</td>
<td></td>
<td></td>
<td>PO</td>
<td></td>
</tr>
<tr>
<td>Stealth</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Camouflage</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Monopole</td>
<td>≤ 60' in height</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>&gt; 60' ≤ 100' in height</td>
<td>500'</td>
<td>660'</td>
<td>500'</td>
<td>660'</td>
</tr>
<tr>
<td></td>
<td>&gt; 100' ≤ 150' in height</td>
<td>660'</td>
<td>660'</td>
<td>660'</td>
<td>660'</td>
</tr>
<tr>
<td></td>
<td>&gt; 150' ≤ 200' in height</td>
<td>1,320'</td>
<td>660'</td>
<td>1,320'</td>
<td>660'</td>
</tr>
<tr>
<td></td>
<td>&gt; 200' ≤ 250' in height</td>
<td>2,640'</td>
<td>2,640'</td>
<td>2,640'</td>
<td>2,640'</td>
</tr>
<tr>
<td></td>
<td>&gt; 250' in height</td>
<td>3,960'</td>
<td>5,280'</td>
<td>5,280'</td>
<td>5,280'</td>
</tr>
<tr>
<td>Self-Support/Lattice</td>
<td></td>
<td>5,280'</td>
<td>Not permitted</td>
<td>5,280'</td>
<td>5,280'</td>
</tr>
<tr>
<td>Guyed</td>
<td>5,280'</td>
<td>Not permitted</td>
<td>5,280'</td>
<td>5,280'</td>
<td>5,280'</td>
</tr>
</tbody>
</table>

[Ord. 2017-016]

a. Measurement of Distance between Towers
The distance between an existing and a proposed tower shall be measured at grade in a direct lineal fashion between the closest points of the base of the existing and the base of proposed towers.
Figure 4.B.9.B – Distance Between Existing and Proposed Towers

Separations between towers located in different zoning districts shall be measured as follows:

1) **Residential and Residential**
   The greater of the distance between towers requirements shall apply between residentially zoned parcels.

2) **Residential and Non-Residential**
   The greater of the distance between towers requirements shall apply between residentially and non-residentially zoned parcels.

3) **Non-Residential and Non-Residential**
   The lesser of the distance between towers requirements shall apply between non-residentially zoned parcels.

4) **Certification of Distance**
   The distance between towers shall be certified by a professional engineer or a professional surveyor and mapper, each of whom shall be licensed by the State of Florida.

5. **Tower Height**
   All antennas and other attachments shall be included in the height measurement of the tower structure, and shall not extend beyond its maximum permitted height. Lightning rods and whip antennas, less than six inches in diameter, shall be excluded from this requirement.

6. **Parking**
   Communication towers shall be exempt from the parking requirements of Art. 6, Parking, Loading, and Circulation, unless otherwise required by the Zoning Director.

7. **Perimeter Buffering**
   a. **Fence or Wall**
      A fence or wall, a minimum of eight feet in height measured from finished grade, shall be constructed around the base of each communication tower and accessory equipment structure, and around each guy anchor. Access to the communication tower shall be through a locked gate.
   b. **Landscaping**
      The landscape and buffer standards provided below shall be required around the perimeter of the tower, accessory structures, and guy anchors, unless waived as provided herein. These standards may be waived by the Zoning Director, unless otherwise required by the BCC or ZC when the proposed landscaping would not be visible from adjacent lots or streets.
      1) **Installation**
         Landscaping shall be installed along the exterior side of any required fences, unless the Zoning Director determines that the viability, survivability, or utility of the plant material is enhanced when located along the interior side of the fence or wall.
      2) **Leased Parcels**
         Landscaping shall be maintained pursuant to Art. 7, Landscaping. The Applicant shall execute a perpetual maintenance agreement with the Property Owner to ensure the maintenance of the landscape buffer if the buffer is installed outside of the leased parcel footprint.
3) **Adjacent to Residential FLU Designation, Zoning District, or Use**
   
a) **Towers Less than 50 feet from Existing Residential**
   A Type 3 Incompatibility Buffer without a wall shall be installed between towers and adjacent lots with existing residential uses or FLU designations, pursuant to **Art. 7.C.2.C, Incompatibility Buffer**.

   b) **Towers More than 50 feet from Existing Residential**
   A Type 1 Incompatibility Buffer shall be installed between towers and adjacent lots with existing residential uses, residential zoning, or residential FLU designations, pursuant to **Art. 7.C.2.C, Incompatibility Buffer**.

4) **Adjacent to Non-Residential Uses or Zoning Districts**
   Towers shall comply with the standards for landscape buffers between compatible uses of **Art. 7.C.2.B, Compatibility Buffer**.

c. **Accessory Equipment and Structures**
   All accessory equipment and structures shall be located within the required perimeter buffering.

8. **Signage**
   
a. **Signs and Advertising**
   The placement on a Monopole, Self-Support/Lattice, or Guyed Tower, of any signs, flags, or appurtenances for advertising purposes, including company name, shall be prohibited. Signs or advertising may be permitted when in conjunction with a Stealth Tower when that structure is an integral element of a principal building or structure.

9. **Generators**
   All permanently installed generators used on site shall use propane fuel. However, generators 125 kilowatts or greater may utilize diesel fuel.

10. **Lighting**
   The least intensive nighttime method of illumination acceptable to the FAA shall be utilized. To the extent possible, strobe lighting or similar types of lighting shall not be utilized. All required lighting shall be maintained on an as needed basis by the owner of the tower.

11. **Interference**
   
a. As provided by the FCC, towers shall not interfere with the normal operation of electrical or mechanical equipment located within surrounding properties.

   b. Towers or guy wires shall not impede the aerial mosquito control activities performed by PBC, as determined by the BCC, for the health, safety, and welfare of its residents.

12. **Building Permits**
   In addition to the approval processes required in **Table 4.B.9.A, Commercial Communication Towers Matrix**, a Building Permit shall be required for all towers, support and accessory structures, and antenna attachments, except as otherwise provided by Federal, State of Florida, or Local law.

   a. **Accessory Structures**
   Building Permits shall be required for all accessory structures related to an antenna.

   b. **Windload Standards**
   All antennas and other tower attachments shall meet the required windload standards pursuant to Building Division review. Documentation indicating compliance with the windload standards shall be certified by a professional engineer, licensed in the State of Florida, and submitted to the Building Division at the time of Building Permit application.

   c. **Airport Regulations**
   Prior to the issuance of a Building Permit for a tower, proof of compliance with applicable requirements of **Art. 16, Airport Regulations** of the Code, shall be provided in a manner acceptable to the Zoning Director.

13. **Providers**
   All communication towers, shall be constructed to accommodate a minimum number of providers as follows:
### Table 4.B.9.B – Providers by Tower Type

<table>
<thead>
<tr>
<th>Tower Types (1)</th>
<th>Minimum Number of Providers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stealth</td>
<td>Two Providers (2)</td>
</tr>
<tr>
<td>Camouflage</td>
<td>One Provider for a maximum 100-foot height tower</td>
</tr>
<tr>
<td></td>
<td>Two Providers for a maximum 125-foot height tower</td>
</tr>
<tr>
<td></td>
<td>Three Providers for a maximum 150-foot height tower</td>
</tr>
<tr>
<td>Monopole, Self-Support/Lattice, and Guyed</td>
<td>Two Providers</td>
</tr>
</tbody>
</table>

**Notes:**

1. Prior to the issuance of a Building Permit for a structure with two or more providers, the Applicant shall provide proof of shared use/collocation in a form acceptable to the County Attorney and Zoning Director.
2. An Applicant may not be required to accommodate the additional providers in the event the shared use/collocation review procedures indicate no other service provider wishes to collocate on the structure.

### 14. Antenna

Antennas attached to towers shall be subject to the standards contained in [Art. 4.B.9, Commercial Communication Towers](#). Standards for antennas attached to other type of structure are addressed in [Art. 5, Supplementary Standards](#).

### 15. Inspections

All towers shall be inspected in compliance as required by the Building Division.

### 16. Violation of Standards

The Property Owners, as well as the tower owners, shall be responsible for violations of applicable standards.

### C. Definitions and Supplementary Tower Standards

#### 1. Stealth Tower

**a. Definition**

A structure, which is not readily identifiable as a tower and is compatible with existing or proposed uses on site. The structure may or may not have a secondary function.

**b. Typical Structures**

Typical structures include but are not limited to bell tower, steeple, flagpole, cross, or water tank where antennas are typically concealed.

**c. Approval Process – AGR, AR, and RE Zoning Districts**

In the AGR, AR/RSA, AR/USA, and RE Zoning Districts, Stealth Towers 100 feet in height or less may be approved through DRO Agency Review process when the parcel has an existing DRO approved Site Plan. Approval shall be subject to the Administrative Modification standards contained in [Art. 2, Application Processes and Procedures](#).

**d. Approval Process – Commercial and Civic Pod of PUD**

In the Commercial Pod and Civic Pod of a PUD, Stealth Towers 60 feet in height or less may be approved by the DRO.

**e. Location – Recreation Pod of PUD**

Stealth Towers may be permitted in the Recreation Pod of a PUD only when located on a Golf Course subject to Class A Conditional Use approval.

**f. Lot Size – MUPD**

A Stealth Tower may be located in MUPD with CH and CL FLU designation with a minimum of five acres, provided the tower complies with all applicable regulations.

**g. Criteria**

Stealth structures shall comply with the following criteria:

1) The structure shall be compatible with the architectural style of the existing buildings/structures on site and with the character of the surrounding area. A determination of architectural compatibility shall include, but not be limited to, color, type of building material, and architectural style;

2) The structure shall be consistent with the character of existing uses on site;

3) Communications equipment or devices shall not be readily identifiable;

4) The structure shall be related to and integrated into the existing natural and/or man-made environment to the greatest extent possible; and,

5) The maximum height of the structure shall not exceed 200 feet.
h. Associated Uses in RT, RS, and RM Zoning Districts and Commercial or Civic Pod of a PUD
Stealth Towers shall be permitted only in association with the following uses: Assembly Institutional Nonprofit; Place of Worship; College or University; Electric Power Plant, excluding electrical transmission line streets as provided herein; Government Services; Passive Park; Public Park; Golf Course; Schools; Solid Waste Transfer Station; Minor Utility; Electric Distribution Substations; or Water or Wastewater Treatment Plant; commercial, office or industrial development.

i. Flagpoles

j. Public Parks Five Acres or Greater
The minimum separation between any existing residential structure, and Stealth Towers located in public parks five acres or greater shall be 125 percent of tower height. In addition, the tower shall be set back a distance of at least 75 percent of tower height from any property line adjacent to an existing residential use or vacant residential parcel or 20 percent of the tower height from any adjacent non-residential zoning district or public R-O-W.

2. Camouflage Tower
a. Definition
A tower or structure, which is incorporated into and is compatible with existing or proposed uses on site and the structure has an additional function other than antenna support.

b. Typical Structures
Examples include but are not limited to antenna incorporated into site lighting at a park or incorporated into an electrical distribution center.

c. Location – Recreation Pod of PUD
Camouflage Towers may be permitted in the Recreation Pod of a PUD only when located on a Golf Course subject to Class A Conditional Use approval.

d. Approval Process – Commercial and Civic Pod of PUD
In the Commercial Pod and Civic Pod of a PUD, Camouflage Towers 60 feet in height or less may be approved by the DRO.

e. Lot Size – MUDP
A Camouflage Tower may be located in MUDP with CH or CL FLU designation with a minimum of five acres, provided the tower complies with all applicable regulations.

f. Associated Uses in RT, RS, and RM Zoning Districts and Commercial or Civic Pod of a PUD
Camouflage Towers shall be permitted only in association with the following uses: Assembly Institutional Nonprofit; Place of Worship; College or University; Electric Generating Facility, excluding electrical transmission line streets as provided herein; Government Services; Passive Park; Public Park; Golf Course; Schools; Solid Waste Transfer Station; Minor Utility; Electric Distribution Substations; or Water or Wastewater Treatment Plant; commercial, office or industrial development.

g. Additional Submission Requirements
Applications for approval to install a Camouflage Tower shall include the following information:
   1. A colorized illustration or representation of the proposed tower.
   2. The height, diameter, and coloration of the proposed facility.
   3. A statement of compatibility to indicate the nature and character of the surrounding area, and how the proposed facility will be consistent with the overall characteristics of the area.

h. Public Parks Five Acres or Greater
The minimum separation between any existing residential structure, and Camouflage Towers located in public parks five acres or greater shall be 125 percent of tower height. In addition, the tower shall be set back a distance of at least 75 percent of tower height from any property line adjacent to an existing residential use or vacant residential parcel or 20 percent of the tower height from any adjacent non-residential zoning district or public R-O-W.

3. Monopole Tower
a. Definition
A structure that consists of a single pole supported by a permanent foundation.

b. Lot Size – MUDP
A Monopole Tower may only be located in an MUDP with CH or CL FLU designation with a minimum of five acres, provided the tower complies with all applicable regulations.

c. Increase in Height
The height of a Monopole Tower may be increased as provided herein.
1) **Percentage of Increase**
   The height of a proposed Monopole Tower may be increased by 20 percent, one time only, without regard to required separation or setback requirements, for all applications which provide proof of the collocation of an additional personal wireless service provider. Additional increases are subject to setbacks and separations of this Code.

2) **Proof of Collocation**
   Proof of collocation shall be provided in a form acceptable to the County Attorney and the Zoning Director. Proof of collocation shall include an executed contract or lease providing for use of the facility for a period of at least ten years.

4. **Self-Support/Lattice Tower**
   a. **Definition**
      A structure that is constructed without guy wires or ground anchors.

5. **Guyed Tower**
   a. **Definition**
      A structure that is supported either partially or completely by guy wires and ground anchors.
   b. **Lot Size – MUPD**
      A Guyed Tower may only be located in an MUPD with a CH or CL FLU designation with a minimum of five acres, provided the Tower complies with all applicable regulations.
   c. **Setbacks**
      Breakpoint calculations may be provided to demonstrate a tower will collapse within the minimum required zoning district setbacks. Breakpoint calculations shall be certified by a professional engineer, licensed in the State of Florida.
   d. **Anchors**
      Peripheral supports and guy anchors may be located within required setbacks provided they shall be located entirely within the boundaries of the property on which the communication tower is located. Peripheral supports and guy anchors shall be located at least ten feet from all property lines.

D. **Collocation in Streets**

1. **Electrical Transmission Lines and Substations**
   Antennas and other wireless equipment may be attached to existing or modified Transmission Poles or utility structures within an Electric Distribution or Electric Transmission Substation, subject to the following: [Ord. 2017-016]
   a. **Stealth Electrical Communication Structures and Poles**
      1) **Definition**
         A Transmission Pole, or structure within an Electric Distribution Substation or Electric Transmission Substation, supporting collocated wireless attachments, which is not readily identifiable as a tower. Stealth structures are limited to canister-type antenna design. [Ord. 2017-016]
   b. **Full Array Electrical Communication Structures and Poles**
      1) **Definition**
         A Transmission Pole, or structure within an Electric Distribution Substation or Electric Transmission Substation, supporting collocated wireless attachments, which are visible and readily identifiable as a commercial communication tower. [Ord. 2017-016]
   c. **Typical Structures**
      Typical structures include Transmission Poles within utility transmission corridors or substations, or other similar electrical transmission infrastructure located within substations such as lighting masts or backup transformer connection poles. [Ord. 2017-016]
d. Modifications to Transmission Poles or Utility Structures
   Height increases to Transmission Poles and other Substation structures may be allowed to accommodate antenna attachments. Modified replacement poles or utility structures may be permitted to the extent required to meet structural or Building Code requirements due to increased wind load from height increases or attachments, provided that modifications generally appear to be of a similar dimensions and appearance to existing or adjacent poles or structures. [Ord. 2017-016]

1) Application Requirements
   Applications for Stealth or Full Array Electrical Transmission Poles or Utility Structures shall include a detailed analysis and supporting documentation establishing the original dimensions, including height or any other structural characteristics that the proposed modifications are based on. [Ord. 2017-016]

2) Determination of Original Pole or Structure Dimensions
   The final determination of the original dimensions specified in an application shall be decided by the DRO in consultation with the Building Official, or the Building Official where Permitted by Right. [Ord. 2017-016]

e. Approval Process
   Exceptions to the approval processes for modification to Electric Transmission Poles or Utility Structures specified in Table 4.B.9.A, Commercial Communication Towers Matrix, Stealth Transmission Poles or Utility Structures, may be allowed as follows: [Ord. 2017-016]

1) Stealth
   a) Subject to DRO Approval
      May be Permitted by Right provided the increase in height is either: [Ord. 2017-016]
      (1) less than 35 percent, or [Ord. 2017-016]
      (2) 50 percent and the Tower is located a minimum of 2,500 feet from a Public Street or parcel with a residential FLU designation or use. [Ord. 2017-016]
b) **Subject to Class A or Class B Conditional Use Approval**

May be allowed subject to DRO approval provided the increase in height is either:

1. less than 35 percent, or [Ord. 2017-016]
2. 50 percent and the Tower is located a minimum of 2,500 feet from a Public Street or parcel with a residential FLU designation or use. [Ord. 2017-016]

2) **Full Array Urban**

a) **Subject to DRO Approval**

May be Permitted by Right where allowed in agricultural, commercial, industrial, or institutional zoning districts, provided the increase in height is: [Ord. 2017-016]

1. less than 35 percent, and [Ord. 2017-016]
2. the Tower is located a minimum of 2,500 feet from any Public Street, or parcel with a residential FLU designation or use. [Ord. 2017-016]

b) **Subject to Class A or Class B Conditional Use Approval**

May be allowed subject to DRO approval, where allowed in agricultural, commercial, industrial, or institutional zoning districts, provided the increase in height is either: [Ord. 2017-016]

1. less than 35 percent, or [Ord. 2017-016]
2. 50 percent and the Tower is located a minimum of 2,500 feet from a Public Street or any parcel with a residential FLU designation or use. [Ord. 2017-016]

c) **Residential Districts including Residential Pod of PUD**

May be allowed to be collocated within a Transmission or Distribution Substation subject to Class A Conditional Use approval. [Ord. 2017-016]

3) **Full Array Rural**

a) **Subject to DRO Approval**

May be Permitted by Right where allowed in agricultural, commercial, industrial, or institutional zoning districts, subject to the following; [Ord. 2017-016]

1. the increase in height is less than 50 percent, and [Ord. 2017-016]
2. located a minimum of: [Ord. 2017-016]
   a. 2,500 feet from any Public Street; [Ord. 2017-016]
   b. one mile from any Arterial or Collector; and, [Ord. 2017-016]
   c. parcel with a residential FLU designation or use. [Ord. 2017-016]

b) **Subject to Class A or Class B Conditional Use Approval**

May be allowed subject to DRO approval, where allowed in agricultural, commercial, industrial, or institutional zoning districts, provided the increase in height is less than 50 percent, and the Tower is located a minimum of 2,500 feet from any Public Street, and one mile from any Arterial or Collector or parcel with a residential FLU designation or use. [Ord. 2017-016]

f. **Exceptions to Separation and Setback Requirements**

The following exceptions may be allowed from the minimum separation or setbacks established in [Art. 4.B.9.B.2, Separation and Setbacks; Ord. 2017-016]

1) **General Exceptions**

a) **Stealth**

Modifications to Stealth Transmission Poles or Electric Distribution or Electric Transmission Substation utility structures that do not exceed 35 percent of the height of the original Pole or structure. [Ord. 2017-016]

b) **R-O-W with Collocated Minor Utility on Adjacent Parcel**

Setbacks from adjacent parcels that are included in the Development Order for the purposes of providing for a supporting Collocated Minor Utility (excluding separations from residential or occupied buildings). [Ord. 2017-016]

c) **Adjacent Properties with Bona Fide Agriculture Uses**

Parcels with an agricultural FLU designation and zoning district, supporting Bona Fide Agriculture, provided that separation distances from occupied structures are a minimum of 150 percent of the Tower height. [Ord. 2017-016]

2) **Towers Located on Residential Parcels**

Measurement may exclude Open Space areas designated on an approved Plan for non-residential uses such as water management tracks or landscape buffers, but excluding any common areas located within 50 feet of a Recreation Amenity or public or civic use such as
Day Cares, Schools, or Places of Assembly, including any outdoor recreation areas. [Ord. 2017-016]

g. Other Attachments or Structures
Additional wireless support attachments or structures other than that permitted at the top of the structure or pole, may be allowed subject to the following: [Ord. 2017-016]

1) Transmission Corridors
   a) Attachments
      Attachments must be concealed within the pole or structure. External attachments such as, electrical or mechanical boxes or backpacks, excluding a utility meter, electrical cabling, platforms, or other similar modifications shall be prohibited, unless allowed otherwise herein. [Ord. 2017-016]
   b) Equipment Boxes
      Equipment boxes may be allowed within an Arterial or Planned Collector Street, subject to approval by the County Engineer. [Ord. 2017-016]
   c) Equipment Shelters
      Equipment shelters supporting collocated cellular equipment placed on Electrical Transmission Lines, may be allowed to be located on an adjacent parcel, subject to compliance with the following: [Ord. 2017-016]
         (1) Minor Utility
            May be allowed in accordance with the districts, approval process and any other development standards for a Minor Utility. [Ord. 2017-016]
         (2) Developed Parcels
            Where a Minor Utility is collocated with another use, the Minor Utility shall be prohibited within the front or side street yard, unless abutting a perimeter buffer. In either scenario, the Minor Utility shall not adversely impact interior site design or function, including but not limited: to pedestrian or vehicular circulation, landscaping, or commonly recognized CPTED standards. [Ord. 2017-016]

h. FDO Requirements
Prior to the issuance of a Building Permit, the Applicant shall supply a letter from FDO demonstrating no anticipated impact to the usual and customary transmission or reception operability of public safety communication systems. This letter shall be based upon information supplied to FDO by the Applicant identifying the latitudinal and longitudinal coordinates of the proposed wireless communication equipment, the proposed RF spectrum of operations, and any further technical information deemed necessary by FDO in order to render a technical conclusion. Any costs incurred by FDO for an independent third party to provide technical assistance in rendering a conclusion, as determined by FDO in its sole and absolute discretion and authorized in advance by the Applicant, shall be the responsibility of the Applicant regardless of permit issuance, failure to obtain a permit, or withdrawal. [Ord. 2017-016]

2. Florida Department of Transportation (FDOT) Streets
Within the streets for I-95 and the Florida Turnpike owned or controlled by the FDOT, towers, or antennas are subject to the following:
   a. Installation of Antennas
      Antennas may be attached to existing communication towers, light standards, or other structures or facilities subject only to Building Permit Review.
   b. Construction of New Towers
      New towers constructed within streets shall comply with the following requirements:
         1) Towers installed in those portions of streets immediately adjacent to any property possessing a residential designation shall be:
            a) Located in a street at least 250 feet in width;
            b) Only a Monopole or Self-Support/Lattice Tower;
            c) No more than 150 feet in height;
            d) Set back a minimum of 150 feet from the nearest property line; and,
            e) Require review as provided in Table 4.B.9.A, Commercial Communication Towers Matrix.
         2) Towers installed in those portions of streets immediately adjacent to any property possessing a non-residential designation shall be:
            a) Located in a street at least 200 feet in width;
            b) Only a Monopole or Self-Support/Lattice Tower;
            c) No more than 200 feet in height;
d) Set back a minimum of 75 feet from the nearest non-residential property line and 150 feet from any residential property line; and,

**c. Separation of New Towers**

New towers shall be subject to the separation distances as provided in Table 4.B.9.B, Distance between Towers.

**E. Eligible Facilities Request for Modification**

This Subsection implements Subsection 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (“Spectrum Act”), as interpreted by the Federal Communications Commission’s ("FCC" or “Commission”) Acceleration of Broadband Deployment Report & Order, which requires a state or local government to approve any Eligible Facilities Request for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.

1. **Definitions**

   For the purposes of this Subsection, the terms used have the following meaning:

   a. **Base Station**

      A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation:

      1) Equipment associated with wireless communications services such as private, broadcast, and public safety services.

      2) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small-cell networks).

      3) Any structure other than a tower that, at the time the relevant application is filed under this Subsection, supports or houses equipment described in paragraphs a.1) and a.2) that has been reviewed and approved under the applicable zoning process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

      The term Base Station does not include any structure that, at the time the relevant application is filed under this Subsection, does not support or house equipment described in a.1) and a.2) of this Subsection.

   b. **Collocation**

      The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

   c. **Eligible Facilities Request**

      Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

      1) Collocation of new transmission equipment;

      2) Removal of transmission equipment; or,

      3) Replacement of transmission equipment.

   d. **Eligible support structure**

      Any tower or base station as defined in this Subsection, provided that it is existing at the time the relevant application is filed under this Subsection.

   e. **Existing**

      A constructed tower or base station is existing for purposes of this Subsection if it has been reviewed and approved under the applicable zoning process, or under another state or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not subject to a zoning review process when it was built, but was lawfully constructed, is existing for purposes of this Subsection.

   f. **Site**

      For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

   g. **Substantial Change**

      A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
1) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent or more than ten feet, whichever is greater;

2) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

3) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure;

4) It entails any excavation or deployment outside the current site;

5) It would defeat the concealment elements of the eligible support structure; or,

6) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided, however, that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs b.1) through b.4) of this Subsection.

h. Transmission Equipment

Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services.

i. Tower

Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services.

2. Application Procedures

Notwithstanding any other provisions in this Section to the contrary, eligible facilities requests for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station as determined by the process set forth herein, shall be subject to Building Permit Review only.

a. Application requirements.

Applications shall include all information necessary to determine whether the modification of the existing tower or base station that does not substantially change its physical dimensions.

b. Timeframe for Review

Within 60 days of the date on which an Applicant submits an application, the Zoning Division shall approve the application unless it determines that the application is not covered by this Subsection.

c. Tolling of the Timeframe for Review

The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the Zoning Division and the Applicant, or in cases where the Zoning Division determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.

1) To toll the timeframe for incompleteness, the Zoning Division must provide written notice to the Applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required.

2) The timeframe for review begins running again when the Applicant makes a supplemental submission in response to the notice of incompleteness.
3) Following a supplemental submission, the Applicant will be notified within ten days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

d. Failure to Act
In the event the Zoning Division fails to approve or deny a request seeking approval under this Subsection within the timeframe for review (accounting for any tolling), the request shall be deemed granted, and the Applicant may proceed directly to Building Permit Review. The deemed grant does not become effective until the Applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

F. Review Procedures Shared Use Application Requirements for New Towers
Prior to submittal of an application for approval of a proposed tower for Conditional Use, Development Order Amendment, DRO, or Building Permit Review, all Applicants for communication towers shall comply with the procedures indicated below. An application for the appropriate review process must be submitted within one year of the notice mailing date.

1. Notification
All communication tower Applicants shall provide notice by certified mail to all users on the Communication Tower Users List. The following information shall be included in the notice: description of the proposed tower; general location; longitude and latitude; general rate structure for leasing space, which shall be based on reasonable local charges; proposed height; a phone number to locate the Applicant or agent for the communication tower; and, a shared use application form. A copy of the notice shall be mailed to the Communications Division and the Zoning Division. The notices shall invite potential communication tower users to apply for space on the proposed tower to encourage collocation.

2. Shared Use Application
Potential communication tower users shall respond to the notice within 20 days of receipt of certified mailing. Response shall be submitted utilizing a shared use application form. A completed shared use application form shall be sent to the owner of the proposed communication tower or authorized agent. The tower Applicant shall not be responsible for a lack of response or responses received after the 20-day period. The Zoning Division shall provide the shared use application form.

3. Feasibility
The feasibility of each shared use request shall be evaluated by the Applicant. The evaluation shall document the feasibility of shared use between the proposed communication tower owner and a potential lessee or sharer. Factors to be considered when evaluating the feasibility of shared use include but are not limited to: structural capacity; RF interference; geographic service area requirements; mechanical or electrical incompatibilities; inability or ability to locate equipment on approved and unbuilt communication towers; cost (if fees and costs for sharing would exceed the cost of the new communication tower amortized over a 25-year period); FCC limitations that would preclude shared use; and, other applicable Code requirements.

4. Rejection or Dispute
If the Applicant rejects one or more request(s) for shared use and if potential tower lessees dispute the rejection(s) for shared use, the following procedure shall occur within ten working days after the shared use response deadline.

a. Submittal
The Applicant shall submit two copies of the following to the Zoning Division: a brief evaluation of each rejected response; all design data for the proposed communication tower; and, an explanation indicating the structural improvements necessary to facilitate the requests that are rejected due to structural limitations, paid for by the tower space lessee.

b. Consultant
The Zoning Division shall forward copies of all applications for shared use and the Applicant's evaluation of each rejected request to a qualified communications consultant. The consultant shall be selected by and retained at the discretion of the Zoning Division and paid by Applicant who is refusing to allow collocation from an interested service provider.

c. Evaluation
Within ten working days of receiving the shared use responses that were rejected by the Applicant and disputed by the potential tower space lessee, the consultant shall review and prepare an
evaluation. Two copies of the consultant's evaluations shall be sent to the Zoning Division. One copy of the evaluation shall be made an official part of the communication tower application and one copy of the evaluation shall be forwarded to the Applicant by the Zoning Division. The consultant's report shall be advisory, and made part of the staff report, and considered in reviewing the communication tower application.

5. Acceptance with No Dispute
If the Applicant did not reject any requests for shared use or if rejected requests for tower space are not disputed by any potential tower lessee(s), consultant review is not necessary.

G. Tower Removal, Replacement and Height Increases
1. Tower Removal
   a. Form of Agreement
      All obsolete or abandoned communication towers shall be removed within three months following cessation of use. Prior to the issuance of a Building Permit or site plan approval, whichever occurs first, the Property Owners or tower operators shall submit an executed removal agreement to ensure compliance with this requirement. The removal agreement shall be in a form acceptable to the County Attorney.
   b. Surety for Removal
      Prior to the issuance of a Building Permit, surety shall be submitted by the Property Owner or tower operator to ensure the removal of abandoned communication towers. The form of surety shall be subject to approval by the Executive Director of PZB and the County Attorney. The required surety shall be irrevocable, unless released by the BCC. The surety shall be utilized to cover the cost of removal and disposal of abandoned towers and shall consist of the following:
      1) submittal of an estimate from a certified structural engineer indicating the cost to remove and dispose of the tower;
      2) a surety equivalent to 50 percent of the estimated cost to remove and dispose of the tower;
      3) an agreement to pool multiple sureties of the tower owner or Property Owner to allow pooled surety to be used to remove abandoned towers; and,
      4) an agreement by the tower owner or Property Owner to replenish surety pool upon utilization of surety by PBC.
   c. Alternative Surety for Removal
      The Zoning Director, subject to review by the County Attorney, may accept documentation from a tower owner that adequate resources or irrevocable contractual obligations are available to remove obsolete or abandoned communication towers.
   d. Form of Surety
      Surety shall be provided in a form consistent with the requirements of Art. 11.B.2.A.6.c, Performance or Surety Bond.
   e. Surety Required
      Surety required shall be provided only for towers constructed after the effective date of this Code.

2. Replacement
   The following tower hierarchy shall be used to determining impact:
   **LEAST IMPACT**
   - Camouflage
   - Stealth
   - Monopole
   - Self-Support/Lattice
   - Guyed
   **MOST IMPACT**

   a. Conforming Towers
      An existing conforming tower may be replaced subject to the criteria below. If the criteria are not met, the replacement tower shall comply with the requirements of Tower Height Increases and Accessory Structures, below.
      1) The tower shall accommodate a minimum of two providers.
      2) The tower shall be of the same or lesser impact than the existing structure pursuant to the tower hierarchy.
      3) The tower may be required to be relocated on site to lessen the impact on adjacent parcels.
      4) The tower shall be subject to review by the Zoning Division through the DRO, Art. 2.C.5.B, Administrative Modifications to Prior DOs, Administrative Amendment process.
      5) The tower may be structurally modified to allow collocation.
b. Nonconforming Towers
An existing nonconforming tower may be replaced subject to the criteria below. If the criteria are not met, the replacement shall comply with the requirements of Tower Height Increases and Accessory Structures, below.
   1) The tower shall accommodate a minimum of two providers.
   2) The tower shall be of equal or less impact than the existing structure pursuant to the tower hierarchy.
   3) The tower may be required to be relocated on site to lessen the impact on adjacent parcels.
   4) The tower shall be subject to review by the DRO.
   5) The tower may be structurally modified to allow collocation.

3. Tower Height Increases
   a. Conforming and Nonconforming Towers
      Unless otherwise provided herein, the height of a conforming or nonconforming tower may be increased on one occasion subject to the requirements of Table 4.B.9.F, Tower Height Increases.

<table>
<thead>
<tr>
<th>Review Process</th>
<th>Conforming Towers</th>
<th>Nonconforming Towers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Review Officer</td>
<td>X (1)</td>
<td>N/A</td>
</tr>
<tr>
<td>Administrative Amendment</td>
<td></td>
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</tr>
<tr>
<td>Development Review Officer</td>
<td>X (2)</td>
<td>X (1)</td>
</tr>
<tr>
<td>Class B Conditional Use</td>
<td>X (3)</td>
<td>X (2)</td>
</tr>
<tr>
<td>Class A Conditional Use</td>
<td>X (4)</td>
<td>X (3)(4)</td>
</tr>
</tbody>
</table>

Notes:
1. Increases of 25 feet or less.
2. Increases greater than 25 feet and 45 feet or less.
3. Increases greater than 45 feet and 65 feet or less.
4. Increases greater than 65 feet.

b. Monopoles
   Unless otherwise provided herein, the height of an existing Monopole may be increased, on one occasion, by a maximum of 20 percent to accommodate a second user subject to standard Building Permit Review. An additional increase of up to 20 percent may be approved to accommodate an additional user, subject to standard Building Permit Review. Increases shall be based upon the original approved tower height.

c. Setbacks
   If it is determined that the proposed tower cannot meet setback requirements due to increases in tower height to accommodate the collocation of at least one additional service provider, minimum setback requirements may be reduced by a maximum of 15 feet, except from residential property lines.

4. Accessory Structures
   The size of an accessory structure or structures may be increased to accommodate collocation. The expansion shall be subject to Zoning Division review through the DRO Administrative Amendment process.

H. Exemptions and Waivers
1. States of Emergency
   The PZ&B Executive Director may waive the review timeframes in the event of a declared state of emergency.

2. Government Towers
   If the regulations in the commercial communication towers prohibit a government-owned tower from being located at a specific site and the tower is required to protect the public health, safety, or welfare, the applicable criteria may be waived or modified by the BCC. In such cases the BCC shall make a finding of fact justifying the modification.

3. School Sites
   Towers located on school sites and utilized for educational purposes only pursuant to F.S. § 1013.18 shall not be considered commercial communication towers.

4. Exemptions for Existing Television Broadcast Towers
   Guyed Towers existing as of December 31, 1997 with a principal use as a television broadcasting tower shall be exempt from the provisions of this Section as provided below.
a. **Separation and Setback Distances**

b. **Distance between Towers**
   Television towers as provided herein shall be exempt from the distance between tower requirements of Table 4.B.9.B, Distance between Towers.

c. **Visual Impact Analysis**
   Existing or replacement television towers as provided herein shall be exempt from the visual impact analysis requirements of Art. 4.B.9.I.4, Visual Impact Analysis Standards.

d. **Replacement or Reconstruction of Existing Towers**
   Television towers exempted by the operation of this Subsection may be replaced or reconstructed on the same parcel as provided below.

   1) **Approval**
      Television towers to be replaced or reconstructed shall be reviewed as provided in Table 4.B.9.A, Commercial Communication Towers Matrix.

   2) **Tower Height**
      The height of a replacement for or reconstruction of an existing tower may be increased subject to approval as provided in Table 4.B.9.A, Commercial Communication Towers Matrix.

   3) **Required Setbacks from Property Lines**
      Setbacks from property lines shall be provided as indicated below.

      a) **Structures of Equal or Lesser Height**
         Television towers to be replaced or reconstructed with a structure of equal or lesser height shall provide a setback substantially the same as the existing setbacks, taking into account the continued location of the tower being replaced during construction.

      b) **Structures of Greater Height**
         Television towers to be replaced or reconstructed with a structure of greater height shall provide a minimum setback of 110 percent of tower height from any adjacent street and a minimum setback of 100 percent of tower height from all adjacent property lines.

      c) **Breakpoint Calculations**
         All setbacks shall be substantiated by certified breakpoint calculations. The breakpoint calculations shall demonstrate that should tower failure occur the entire height of the tower shall fall within with property lines of the tower site.

   d) **Nonconformity Not Created**
      Replacement or reconstruction of a television broadcast tower shall not result in creation of a nonconforming structure or nonconforming use. The television broadcast tower resulting from the replacement or reconstruction as provided herein shall be deemed a conforming structure and use.

5. **Type 2 Waiver from Required Dimensional Criteria**
   A Type 2 Waiver from the separation, setback, distance between towers, height, and similar dimensional criteria applicable to communication towers may be allowed.

   a. **Towers approved as a Class A or Class B Conditional Use**
      The dimensional criteria may be reduced by the BCC for Class A Conditional Uses and Class B Conditional Uses subject to the criteria contained herein.

   b. **Towers Approved on an Administrative Basis**
      The dimensional criteria may be reduced by the BCC for towers subject to review by the DRO or the Building Permit process subject to the criteria contained herein.

   c. **Requests for a Type 2 Waiver**
      When considering a request to allow a Type 2 Waiver from one or more required dimensional criteria, the BCC must determine that: the request complies with the intent of this Section and, the request is consistent with the criteria listed below.

   d. **Criteria for Granting a Type 2 Waiver**
      The following criteria shall be utilized by the BCC when considering requests for waivers. Each request for a waiver must be consistent with the following criteria listed below: Art. 4.B.9.H.5.d.1)-8). In addition, each request for a Type 2 Waiver must be consistent with one or more of the following criteria: Art. 4.B.9.H.5.d.9)-18).

      1) **Protection of Public Welfare**
The Waiver, if approved, will not be injurious to the uses in the area adjacent to the structure and otherwise will not be detrimental to the public welfare.

2) **Economics**
The Waiver is not granted based solely upon or in large measure due to costs associated with complying with all requirements contained herein.

3) **Incompatibility Not Created**
The Waiver, if granted, will not result in an incompatibility between the proposed tower or communication facility and adjacent uses.

4) **Exhaustion of Other Remedies**
The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area as all other waiver alternatives have been exhausted. Alternatives to a Waiver shall include but not be limited to such techniques as collocation, use of Stealth or Camouflage structures, and use of building mounted equipment and facilities.

5) **Minimum Waiver**
Grant of the Waiver is the minimum Waiver that will make possible the reasonable use of the parcel of land, building, or structure.

6) **Consistent with the Plan**
Grant of the Waiver will be consistent with the purposes, goals, objectives and policies of the Plan and this Code.

7) **Not Detrimental**
The grant of the Waiver will not be injurious to the area involved or otherwise detrimental to the public welfare.

8) **Prohibition of Service**
The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area so as not to prohibit the provision of personal wireless, television, and related communication services as defined by the Telecommunications Act of 1996 and rules of the FCC, if adopted.

9) **FAA Limitations**
The Waiver is required to comply with locational standards established by the FAA.

10) **Lack of Technical Capacity**
The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area as existing towers or other structures do not possess the capacity to allow reasonable technical service.

11) **Height of Existing Structures**
The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area as existing towers or other structures are not of sufficient height to provide reasonable service.

12) **Lack of Structural Capacity**
The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area as existing towers or structures do not have the structural capacity to accommodate the equipment needed to provide reasonable service within the defined search or propagation study area.

13) **Interference**
The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area due to interference that may be caused resulting from such factors as collocation on existing towers or structures, the nature of other communications equipment or signals, or other technical problems that would result in interference between providers.

14) **Unreasonable Costs**
The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area as the fees, costs or contractual provisions to collocate on or adapt an existing tower or structure for collocation are unreasonable.

15) **More Appropriate Site**
The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area as a result of identification of a more appropriate site that does not meet dimensional criteria, including such factors as distance from residential uses, existence of permanent screening and buffering, and location within a large scale non-residential area.
16) Avoid Certain Locations
The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area to avoid location in one or more of the following:
   a) officially designated wilderness areas, wildlife refuges, and wildlife management areas;
   b) officially designated vegetation and wildlife preserves;
   c) habitats of threatened/endangered species, historical sites;
   d) Indian religious sites;
   e) locations which may cause significant alteration of wetlands, deforestation, or water diversion;
   f) night use of high intensity lights in residential areas;
   g) environmentally sensitive lands acquired or leased by PBC; or,
   h) linked open space corridors as set forth in the Plan.

17) Reduce Residential Impact
The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area and will allow a proposed tower location to reduce the impact on adjacent residential uses.

18) Effect of Governmental Regulation or Restrictive Covenant
The Waiver, subject to documentation provided by the Applicant, is necessary within the defined search or propagation study area due to governmental regulations or restrictive covenants which preclude location of a tower.

e. Simultaneous Consideration
A request for a Type 2 Waiver from one or more required dimensional criteria may be considered at the same time a related request for tower approval is considered. However, final BCC, ZC, or Administrative approval shall not be granted until a final decision is rendered by the BCC.

6. Nonconforming Lots of Record
Towers may be located on nonconforming lots of record provided the structure will comply with all requirements of this Section without a Type 2 Waiver from any dimensional criteria as provided herein.

I. Application Requirements for Towers
In addition to the application requirements under Art. 2, Application Processes and Procedures, the Applicant shall comply with the following:

1. Propagation Study
The provider shall submit a propagation study prepared by a professional engineer, licensed in the State of Florida, to justify the need to construct a new tower. Propagation studies shall not be required for television towers. Propagation studies shall include the following information:
   a. the location of other sites considered, including potential options for collocation and alternative sites or properties;
   b. desired signal strength in the area to be served; and,
   c. current and predicted RF coverage following installation and use of the new tower facility.

2. Location of Existing Towers
   a. Provide or update previously submitted data indicating the location of their towers, latitude and longitude, tower height, and tower type.
   b. Submit an alternative structure map with a minimum one-mile radius around the proposed site. The alternative structure map shall include the location of all existing towers located within the one-mile radius. An alternative structure map shall not be required for television towers.

3. Compatibility
To assist in ensuring compatibility between a proposed communication tower and surrounding land uses, the information listed below shall be included with all applications for development approval, Development Order Amendments, etc.
   a. Site and Tower Location
      The proposed site of a tower and the proposed location of the tower within that site, indicated on an official PBC zoning quad sheet.
   b. Aerial Photography
      The proposed location of a tower, indicated on an aerial map possessing a scale of not more than one inch equals 300 feet (1 inch = 300 feet). The aerial photograph shall indicate all adjacent land uses within a radius of 2,000 feet from the site of the proposed tower.
   c. Visual Impact Analysis
      A visual impact analysis, consistent with the requirements of Art. 4.B.9.I.4, Visual Impact Analysis Standards.
d. Buffering
Buffering and landscaping as required by this Section.

4. Visual Impact Analysis Standards
a. Applicability and Procedure
Any application to construct a Monopole Tower greater than 150 feet in height or any Guyed or Self-Support/Lattice Tower greater than 150 feet in height is subject to these standards. The Applicant shall be advised of the requirement to submit a visual impact analysis by the Zoning Director within ten working days following the application submittal deadline date.

b. General
To assess the compatibility with and impact of a proposed tower site on adjacent properties, an Applicant seeking to construct a tower subject to these requirements may be required to submit a visual impact analysis. The Applicant may request review of a proposed tower location, prior to application submittal to the appropriate zoning process, to determine whether or not a visual impact analysis will be required. A visual impact analysis may be required under the circumstances listed below.

1) Existing residential uses are located along 50 percent or more of the entire perimeter of the proposed tower site.

2) When the proposed site is located adjacent to:
   a) Officially designated wilderness areas, wildlife refuges, and wildlife management areas;
   b) Officially designated vegetation and wildlife preserves;
   c) Habitats of threatened/endangered species;
   d) Historical sites;
   e) Indian religious sites;
   f) Locations which may cause significant alteration of wetlands, deforestation, or water diversion;
   g) Residential areas when night use of high intensity lights is required;
   h) Environmentally sensitive lands acquired or leased by PBC; or,
   i) Linked open space corridors as set forth in the Plan.

3) The proposed site does not meet the distance between towers requirements. The Applicant may utilize digital imaging technology to prepare the analysis, in a manner acceptable to the Zoning Director. The visual impact analysis shall, at minimum, provide the information listed below.
   a) The location of the proposed communication tower illustrated upon an aerial photograph at a scale of not more than one inch equals 300 feet (1" = 300'). All adjacent zoning districts within a 3,000-foot radius from all property lines of the proposed communication tower site shall be indicated.
   b) A line of site analysis shall include the following information:
      (1) Identification of all significant existing natural and manmade features adjacent to the proposed tower site and identification of features which may provide buffering and screening for adjacent properties and public streets;
      (2) Identification of at least three specific points within a 2,000-foot radius of the proposed tower location, subject to approval by the Zoning Director, for conducting the visual impact analysis;
      (3) Certification by the professional that the proposed communication tower meets or exceeds the standards contained in this Code;
      (4) Copies of all calculations and description of the methodology used in selecting the points of view and collection of data submitted in the analysis;
      (5) Graphic illustration of the visual impact of the proposed communication tower, at a scale that does not exceed five degrees of horizontal distance, presented from the specific identified points;
      (6) Identification of all screening and buffering materials under the permanent control of the Applicant (only screening and buffering materials located within the boundaries of the proposed site shall be considered for the visual impact analysis);,
      (7) Identification of all screening and buffering materials that are not under the permanent control of the Applicant but are considered of a permanent nature due to ownership or use patterns, such as a public park, vegetation preserve, required development buffer, etc.;
(8) Screening and buffering materials considered in the visual impact analysis shall not be removed by future development on the site;
(9) Screening and buffering materials considered in the visual impact analysis shall be replaced if they die;
(10) Prohibited plant species, pursuant to Art. 7.E, Existing Native Vegetation, Prohibited, and Controlled Plant Species, shall not be considered in the visual impact analysis; and,
(11) Any additional information that may be required by the Zoning Director to fully review and evaluate the potential impact of the proposed communication tower.

4) In addition to all other applicable standards of the Code, the following visual impact standards may be applied when a visual impact analysis is required for any application to construct a tower.
   a) At least 25 percent of the tower height is screened from all streets other than expressways, or Arterials and Planned Collector Streets with five lanes or more.
   b) At least three specific points from adjacent streets, shall be identified, subject to approval by the Zoning Director, for conducting the visual impact analysis.
   c) The results of the line of site analysis performed as part of the visual impact analysis.
   d) The distance a proposed communication tower, including anchors for guy wires, and guy wires are proposed to be set back from surrounding properties such that its height, bulk, and scale is compatible with surrounding residential and non-residential uses.
   e) At least 25 percent of the tower is screened from view from a majority of the points selected by the Zoning Director for the visual impact analysis.
   f) The degree or amount of buffering or screening materials permanently included as part of the application.

5) The visual impact analysis shall be prepared and sealed by an architect, engineer, landscape architect, or surveyor and mapper registered in the State of Florida. PBC, at the expense of the Applicant and at its own discretion, may employ such consultants as are necessary to review and evaluate the visual impact analysis.

J. Prior Approvals
The style, height, and overall appearance of any tower or communications facility constructed pursuant to these regulations shall be consistent with plans and elevations submitted as part of an application for development approval. The DRO shall have the authority to approve additions or minor modifications, which do not materially modify the appearance of a tower as approved by the ZC or BCC. Modification which cannot be approved by the DRO shall be subject to a Development Order Amendment as provided in this Code.

K. Consultant Services
A qualified telecommunication consultant shall be selected and retained by the Zoning Director, and paid for by an Applicant, to review technical documents related to the siting of communication towers and facilities. The consultant may review technical documents, propagation studies, and other related documents to determine the following:
   1. Need for additional towers;
   2. Existence of incompatibilities between providers that may hinder collocation;
   3. Necessity of waiver relief to deviate from established dimensional criteria;
   4. Compliance with the general requirements of this Section; and,
   5. The Applicant shall reimburse PBC for the consultant fees prior to the certification of the application for public hearing process or approval of the application by the DRO.

L. List of Tower Users
The DRO shall maintain a current Communication Tower Users List, which shall be made available upon request, and shall also be published on the Zoning Web site.

M. Intergovernmental Activities
1. Mapping
   PBC shall participate in any countywide mapping program to identify proposed and existing tower sites.

2. Notification
   a. PBC shall participate in an intergovernmental notification program by continuously providing information regarding tower construction applications to the PBC Intergovernmental Coordination Program Clearinghouse.
   b. All jurisdictions within a two-mile radius of a proposed tower site located in unincorporated PBC shall be notified at the time of application submittal.
**Section 10  Excavation Uses**

**A. Excavation Use Matrix**

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<tr>
<th>AG/CON</th>
<th>RESIDENTIAL</th>
<th>COMMERCIAL</th>
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<th>INST</th>
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**TABLE 4.B.10.A – EXCAVATION USE MATRIX**

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<th>Use Type</th>
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<th>MSPO PODS</th>
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</table>

**Excavation Uses**

- P Permitted by Right
- D Subject to DRO Approval
- A Subject to BCC Approval (Class A Conditional Use)
- B Subject to Zoning Commission Approval (Class B Conditional Use)
- - Prohibited Use, unless stated otherwise within Supplementary Use Standards

(1) Supplementary Use Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standards column.
B. Common Provisions and General Standards

1. Purpose and Intent
   The purpose of this Chapter is to provide for the health, safety, and welfare of the residents of PBC by ensuring beneficial and sound land management practices associated with excavation and mining activities. To prevent a cumulative negative impact on PBCs natural resources and to achieve these goals, it is the intent of this Section to:
   a. ensure that mining and excavation activities do not adversely impact the health, safety, and welfare of the citizens of PBC;
   b. prevent immediate and long-term negative environmental and economic impacts of poor land development practices;
   c. encourage the use of economically feasible and environmentally sound mining and excavation practices;
   d. preserve land values by ensuring that alteration of a parcel by non-commercial land excavation does not result in conditions that would prevent that parcel from meeting minimum land development requirements for other valid uses;
   e. encourage the rehabilitation of commercially mined sites to other beneficial uses by promoting economical, effective and timely site reclamation;
   f. protect existing and future beneficial use of surrounding properties from the negative effects of excavation and mining;
   g. provide for the off-site disposal of excess extractive material provided that the excavation site is incorporated into the approval of a bona fide site development plan;
   h. establish a regulatory framework of clear, reasonable, effective, and enforceable standards and requirements for the regulation of excavation, mining, and related activities; and,
   i. ensure that excavation and mining activities and resulting mined lakes are not allowed to become public safety hazards, or sources of water resource degradation or pollution.

2. Applicability
   All mining and excavation activities that create a temporary or permanent body of water within unincorporated PBC shall comply with the regulations established in the Code and other State and Local requirements, as applicable.
      In the event that provisions of this Section conflict with regulations of other applicable regulatory agencies, the more restrictive regulations shall apply. Other permitting agencies include but are not limited to SFWMD, Florida Fish and Wildlife Conservation Commission, USACE, DEP, and ERM.
   b. Previously Approved Development Orders (DOs)
      Applications for excavation and mining projects approved prior to September 25, 1996, may amend the certified site (excavation) plan pursuant to Art. 2.C, Administrative Processes, to comply with the Standards enumerated below provided the standards do not conflict with Development Order conditions. Selective choice of standards shall not be permitted. The DRO may review and approve the excavation plan, pursuant to Art. 2.C, Administrative Processes, provided the subject site complies with the compatibility criteria in Art. 4.B.10.C.5.i.2), Type 3A Excavation, and the technical standards in Art. 4.B.10.B.7, Technical Standards, and provided there is no increase in the land area, excavated surface area, quantity of excavated material, or intensity as approved by the BCC in the original DO. Any increase shall require approval of a DOA by the BCC pursuant to Art. 2.B, Public Hearing Processes. Applicable standards include:
      1) Art. 4.B.10.B.7.a, Operational Standards and Requirements;
      2) Art. 4.B.10.B.7.b, Construction Standards, excluding depth;
      3) Art. 4.B.10.B.7.c, Reclamation Standards;
      4) Art. 4.B.10.C.5.i.2)(3), Buffer; and,
      5) Art. 4.B.10.B.7.e, Maintenance and Monitoring.

3. Excavation Types
   Excavation or mining activities shall not be conducted unless such activities are deemed exempt or an approval has been issued in accordance with this Section. The types of excavation that are allowed are as follows:
   a. Agricultural Excavation
      Approval process for Agricultural Excavation is administered by ERM and PZB. Application procedures and requirements are subject to Art. 4.B.10.C.1, Agricultural Excavation. Agricultural Excavation in the WCAA are administered by ERM. Application procedures and requirements are in Art. 4.B.10.C.1.i, WCAA Excavation.
b. **Type 1 Excavation**
   Two approval processes (Types 1A and 1B) are administered by PZB for excavations on Single Family lots. Application procedures and requirements are in Art. 4.B.10.B.5.a, Content of Application.

c. **Type 2 Excavation**
   The approval process for Type 2 Excavation is administered by PZB and ERM. Application procedures and requirements are in Art. 4.B.10.B.5.b, Additional Application Requests for Type 2, Type 3A and Type 3B.

d. **Type 3 Excavation**
   Two approval processes for commercial mining excavation activities (Type 3A and Type 3B) are administered by PZB and ERM. Application procedures and requirements are in Art. 4.B.10.B.5, Supplemental Application Requirements.

4. **Prohibitions and Exemptions**

a. **Prohibitions**
   Excavation and mining activities shall be prohibited in the following areas:
   1) RR-20 FLU designation.
   2) The Pleistocene Sand Ridge.
   3) An archeological site, unless approved and requested as a Class A Conditional Use.
   4) Publicly owned conservation areas, publicly-owned Preservation Areas or environmentally sensitive lands.
   5) Areas otherwise prohibited by this Section.

b. **Exemptions**
   The following excavation activities shall be exempt from the requirements of this Section:

1) **Existing Lakes**
   Existing mined lakes approved prior to June 16, 1992 that have a valid Development Order which complies with the criteria below shall be exempt from the requirements of this Section. If an amendment is proposed that deviates from the original approval, then a Development Order Amendment shall be requested pursuant to Art. 2.B, Public Hearing Processes, and shall comply with the provisions in Art. 1.F, Nonconformities.
   a) Regulated by a National Pollutant Discharge Elimination System Permit; or
   b) Regulated by a Florida Department of Environmental Protection (DEP) industrial wastewater operation permit; or
   c) Located within an approved residential, commercial, industrial or mixed use development and function as a stormwater management facility pursuant to:
      (1) A surface water management construction permit issued by the SFWMD; or
      (2) A conceptual permit issued by the SFWMD that delineates proposed littoral slopes of the excavated lake(s) conducive for planting; or
      (3) An applicable Land Development Permit depicting proposed littoral and upland slopes of a mined lake. As long as the existing excavated lake continues to meet the water quality standards contained in Chapter 62-302, F.A.C.

2) **Pools**
   Swimming pools, pursuant to Art. 5.B, Accessory Uses and Structures.

3) **Small Ponds**
   Ponds accessory to a principal use, such as lily ponds, goldfish ponds, reflecting ponds, and other small ornamental water features with a maximum depth of four feet and not exceeding 500 square feet in surface area.

4) **Cemeteries**
   Burial plots in approved cemeteries.

5) **R-O-W**
   Excavation in a road R-O-W, when the road is under construction. To qualify for this exemption, excavation shall be performed by PBC, the FDOT or any Water Control District created by special act to operate under F.S. ch. 298(95) Excavation activity located outside the R-O-W boundary, performed to accommodate roadway drainage, and which creates a permanent open body of water for a period of 180 days or more, shall comply with the standards of a Type 2 Excavation in Art. 4.B.10.C.4, Type 2 Excavation.

6) **Utilities**
   Excavations necessary for the installation of utilities, including septic systems.
7) Man-made Drainage Structures
The repair, reconstruction and maintenance of existing non-tidal man-made canals, channels, control structures with associated riprap, erosion controls, intake structures, and discharge structures, provided:
   a) All spoil material is deposited directly to a self-contained upland site, which will prevent the release of material and drainage from the spoil site into surface waters of the State;
   b) No more dredging is performed than is necessary to restore the canal, channels, and intake, and discharge structures to original design specifications or as amended by the applicable permitting agency; and,
   c) Control devices in use at the dredge site that prevent the release of turbidity, toxic, or deleterious substances into adjacent waters during the dredging operation.

8) WCAA Canals
Canals of conveyance located in the WCAA which require permits from SFWMD or DEP, provided the permitted project does not exceed 15 feet in depth from OWL.

9) Mitigation Projects
Mitigation projects permitted by SFWMD, DEP, or ERM, pursuant to F.S. ch. 403 and F.S. ch. 373, and Chapter 62-312, F.A.C., as amended, and Art. 14, Environmental Standards, including projects approved to implement an adopted Surface Water Improvement & Management (SWIM) plan, provided the permitted project depth does not exceed 20 feet from OWL or 15 feet from OWL in the WCAA. Projects proposed to exceed these depths shall comply with Art. 4.B.10.B.5, Supplemental Application Requirements, the administrative waiver requirements of Art. 4.B.10.B.8, Administration and Enforcement, and the technical standards of Art. 4.B.10.B.7.a, Operational Standards and Requirements, Art. 4.B.10.B.7.b, Separation, Art. 4.B.10.B.7.b.2), Slopes, Art. 4.B.10.B.7.c, Reclamation Standards, and Art. 4.B.10.B.7.d, Performance Guarantee Requirements.

10) Wetlands
Excavation activities within jurisdictional wetlands that have been issued permits pursuant to Wetlands Protection requirements or have been issued a permit for wetland impacts through the Environmental Resource Permit (ERP) process by DEP, USACE, SFWMD, or any other agency with ERP delegation for PBC.

11) Agricultural Ditches
Agricultural ditches supporting vegetation production which meet the standards of Bona Fide Agriculture (i.e. groves, row crops, hay, and tree farming) constructed solely in uplands that are less than six feet in depth from OWL. These ditches shall not connect to canals of conveyance or waters of the State without the appropriate Federal, State, and Local approvals and permits.

12) De Minimis Impact
Those projects for which ERM and PZB approval is necessary and both departments determine that there will be no significant adverse environmental or land use impacts. A de minimis determination from one agency does not constitute approval by the other.

13) Canals of Conveyance
Canals of conveyance that require permits from SFWMD, USACE, DEP, or ERM pursuant to Wetlands Protection requirements.

14) Excavation by Public Agencies
   a) Excavation performed by or special districts created by special legislative act governed by the BCC, provided such excavation complies with the following:
      (1) solely under the jurisdiction, authority, and control of PBC, or the applicable district.
      (2) completed, operated, and maintained in perpetuity by PBC, or the applicable special district,
      (3) an official part of the operation and function of PBC, or the applicable special district.
      (4) In order to be exempt under this provision, the PBC Department or applicable district shall:
         (a) schedule and conduct a public hearing; the notice of the public hearing shall be published at least seven days prior to the hearing, in a newspaper of general circulation,
         (b) provide written notice of the intent to engage in excavation activities subject to a permit issued by the SFWMD or the FDEP to the Executive Director of PZB and
the Director of ERM at least 30 days prior to the commencement of construction activity, and,
(c) provide written notification of the public hearing required above to the Executive Director of PZB and the Director of ERM at least 30 days prior to the public hearing.

(5) For excavations greater than the maximum depth listed in Art. 4.B.10.C.1.c, Maximum Depth, and Art. 4.B.10.C.2.g, Depth, the chloride and TDS requirements shall apply.

b) Excavations, Canals, Impoundments
Excavations, canals, impoundments, regional stormwater treatment areas, and related projects to enhance water quality, water supply, environmental quality, and natural resources operated by the SFWMD, ACOE, or water control districts or improvement districts created pursuant to F.S. ch. 298 and within PBC.

5. Supplemental Application Requirements
a. Content of Application
All Type 1B, Type 2, Type 3A, and Type 3B Excavations shall supplement the applicable application requirements with the material and information listed below:

1) Statement
   Application listing the nature of the excavation operation, including but not limited to:
   a) amount and type of materials to be excavated;
   b) duration of the excavation activity and reclamation activity;
   c) the proposed method of excavation;
   d) the amount of fill to remain on site;
   e) if permitted, the amount of fill to be removed from site; and,
   f) intent to comply with Art. 9.A, Archaeological Resources Protection.

2) Site Plan
   A site plan depicting:
   a) Boundaries, dimensions and acreage of the site and excavated surface area(s);
   b) All existing and proposed improvements including easements, streets, weigh stations, and other structures;
   c) Setbacks and separations;
   d) Preservation Areas;
   e) Water table elevations, including Ordinary Water Level.

b. Additional Application Requests for Excavation, Type 3A and Type 3B
All applications for Type 3A and Type 3B Excavations shall require the additional information listed below.

1) Soil Statement
   A statement certified by an engineer indicating the type of soils to be excavated and that the soils are suitable for road or structural fill construction or the soil contains excessive amounts of silt, rock, or muck.

2) Site Plan
   A site plan depicting:
   a. Art. 4.B.10.B.7.a, Operational Standards and Requirements, as applicable;
   b. Equipment storage, and stockpile areas, including sizes and heights; and,
   c. Location of grading, sorting, crushing and similar equipment necessary for the operation and distribution of excavated material.

3) Landscape Plan
   A landscape plan indicating the buffers and reclamation planting required.

4) Cross Sections
   Cross Sections delineating compliance with the following requirements, as applicable:
   a) Art. 4.B.10.B.7.b, Construction Standards;
   b) Art. 4.B.10.B.7.c, Reclamation Standards; and,
   c) Buffer details.

5) Operations Plan
   An operations plan shall be submitted in the form of a statement and include the methods of material extraction, on site processing, including erosion and sediment control methods, and particulate matter control. The plan shall also delineate how impacts from hauling operations will be controlled.
6) **Haul Route Plan**
A map indicating all possible proposed haul routes within the radius of impacts. Radius of impact is defined as the primary street system commencing at the access point of the excavation site and extending out along all streets in all directions to the closest Arterial or Plan Collector Street.

7) **Additional Information**
   a) **Report Schedule**
      Report Schedule, pursuant to Art. 4.B.10.B.7.e, Maintenance and Monitoring.
   b) **Location Map**
      Surrounding uses map depicting the location of the outer boundary of area to be excavated and distances to surrounding land uses; including all residences within the applicable specified distance in the separation standards in Art. 4.B.10.C.5.i, Compatibility Standards.
   c) **Phasing Plan**
      A phasing plan and tabular data depicting acreage, location, sequence of operations and schedule of reclamation requirements.
   d) **Tree Survey**
      A tree survey, as required by Art. 4.B.10.B.7.c.4)d), Calculating Planting Requirements.

6. **Notice of Intent to Construct**
All applications for Agricultural, WCAA, Type 2 Excavation, and Type 3 mining activities shall submit a Notice of Intent to Construct in accordance with the provisions below:

   a. **Notice of Intent**
      Prior to commencement of any on-site excavation or mining activities, a Notice of Intent to Construct shall be submitted to and receive written approval from ERM.

   b. **Contents of Notice of Intent to Construct**
      The following information shall be included with the completed Notice of Intent to Construct form:
      1) Paving and Drainage plans, if applicable;
      2) Preliminary plat, if applicable, and restrictive covenant, pursuant to Art. 4.B.10.B.7.c.5), Area of Record;
      3) Art. 4.B.10.B.7.c.3), Littoral Planting Reclamation Standards;
      4) Master Plan, showing all phases of development, if applicable; and Items 1 and 2 (preliminary plat) shall be signed and sealed by a certified engineer or surveyor as applicable, recognized and approved by the Florida Department of Professional Regulation (FDPR); and,
      5) Methods of stormwater pollution prevention if construction of the project may result in an area of exposed soil greater than one acre subject to Federal National Pollution Discharge Elimination System (NPDES) stormwater regulations, a copy of the on-site Stormwater Pollution Prevention Plan shall be submitted as part of the permit application.

   c. **Agriculture Excavation**
      All Agricultural and WCAA Excavation shall submit a detailed explanation of the proposed Bona Fide Agriculture use. This explanation shall demonstrate consistency with applicable industry standards and shall satisfy the definition requirements of Bona Fide Agriculture pursuant to Art. 1.H, Definitions and Acronyms.

   d. **Type 3 Exceptions**
      A Type 3 application shall include documentation of an approved for Class A Conditional Use pursuant to Art. 2.B, Public Hearing Processes.

   e. **Written Approval**
      ERM shall issue a written approval to the Applicant within 30 days upon receipt of a Notice of Intent to Construct and appropriate fee with all information necessary to demonstrate that the provisions of this Section will be met, and confirmation by the Land Development Division that all necessary approvals for County R-O-Ws have been issued.

7. **Technical Standards**
   a. **Operational Standards and Requirements**
      All excavation types shall comply with the following operational standards, unless specifically exempt or prohibited pursuant to this Section.
      1) **Hours of Operation**
         All excavation and hauling activity, except dewatering, shall only occur between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday, unless otherwise specified in this Section.
2) **Objectionable Odors**
The excavation activity shall be conducted in such a manner as to prevent the occurrence of odors which can be detected off the premises.

3) **Emission of Fugitive Particulate Matter**
Excavation operations, including hauling activity, shall be conducted to prevent the emission of dust or other solid matter into the air or onto adjacent properties pursuant to the smoke, emissions and particulate matter provisions in [Art. 5.E, Performance Standards](#) and [Chapter 62-296, F.A.C.](#).

4) **Existing Topsoil**
Where feasible, existing topsoil shall be stored and redistributed on site to provide adequate growing conditions for the revegetation of plant species. Where such storage is not feasible, the area shall be restored with soil of an equal or better quality than that of the excavated topsoil and be redistributed to provide adequate growing conditions.

5) **Equipment Storage, Maintenance and Service Areas**
Equipment storage, maintenance and service areas shall be set back a minimum 200 feet from all property lines abutting a residential district or use. The equipment storage area shall be designed such that noise generated by the equipment is muffled in order to comply with the noise performance standards in [Art. 5.E, Performance Standards](#).

6) **Regulated Substances**
All storage and use of regulated substances shall comply with Local, State, and Federal regulations. All regulated substance dispensing areas shall comply with Best Management Practices. Any spill of any regulated substance shall be reported to the PBCHD within one hour and to ERM within one hour or at the beginning of the next business day.

7) **Dewatering**
Dewatering shall not be allowed unless permitted by a State agency, Federal agency, the SFWMD, or the dewatering operation is in compliance with conditions of [Rule 40E-20.302(3), F.A.C.](#). If dewatering is permitted, pumps shall be located, submerged, buried, or encased in an insulated structure in order to comply with the noise standards in [Art. 5.E, Performance Standards](#).

8) **Access to Public Prohibited**
Signs shall be posted prohibiting access to the general public while excavation and reclamation activity is being conducted.

9) **Retail Sale of Material**
The retail sale of excavated material shall not be permitted on site.

10) **Hauling Standards**
    a) **General**
        (1) All trucks hauling material from sites that permit off-site removal shall be covered to prevent debris and fill from spilling onto the roadway.
        (2) The hauler shall employ measures acceptable to the PBCHD, and any applicable road maintenance authority, to ensure that roads are properly maintained and kept free of fugitive particulate matter.
        (3) The BCC may require special conditions, including, but not limited to construction of turn lanes and other roadway improvements necessary to provide safe traffic movement.
        (4) All vehicles used to haul excavated material shall use the approved haul routes. Vehicles shall not use Local Residential Streets to access Arterial or Collector Streets.
    b) **Executed Agreement**
The BCC or the County Engineer may require an executed agreement between the Applicant and the County Engineer and other applicable road maintenance authorities which may include but not be limited to documentation of the existing conditions of the streets within the radius of impact, as defined in [Art. 4.B.10.B.5.b.6), Haul Route Plan.](#) The agreement shall include a description of the hauling operations including but not limited to the number of trips (as approved in the original Development Order), duration of excavation and hauling activity, truck size and weights and the existing conditions of all possible streets designated as haul routes, as well as any requirements for periodic inspections, financial guarantees and the Applicant’s other responsibilities.
11) Phasing
In the event the excavation activity is conducted in phases, the phasing plan required by Art. 4.B.10.B.7.a, Operational Standards and Requirements, shall be subject to Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval, Art. 2.E.2.C, Time Limitations for Commencement, and the requirements in Art. 4.B.10.B.7.c, Reclamation Standards. All excavation types, except Type 3A and Type 3B shall comply with Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval, which limits the project to two primary phases for the purposes of monitoring commencement of the Development Order. Additional sub-phases may be permitted for each primary phase for the purposes of conducting the excavation activity in accordance with this Section. For Type 3A and Type 3B Excavations, the number of phases and the duration of each phase shall be established as a Condition of Approval. When establishing the Condition of Approval for the number and duration of each phase, the BCC shall consider the size of the proposed excavation project, existing and proposed surrounding land uses, surrounding FLU designations, and other pertinent information.

12) Sound Insulation
All machinery, heavy equipment and vehicles utilized for excavation and hauling purposes shall be equipped with double mufflers to reduce airborne noise caused by excavation operations.

b. Construction Standards
All excavation types shall comply with the following construction standards, unless exempt.

1) Separation
Separations shall be measured from the top of bank of the nearest excavated area to the property line or designated area in any given direction as defined below: Excavation shall not be constructed within:
   a) Wellfield Zone 1 or 300 feet from a public water supply well, whichever is more restrictive;
   b) 200 feet from a wetland or in a wetland, unless approved by ERM;
   c) 300 feet from a Class 1 or Class 2 landfill;
   d) 300 feet from a site with known contamination;
   e) 100 feet from a septic system or sanitary hazard;
   f) 100 feet from a potable water well, except for Type 1A and Type 1B Excavations; or,
   g) 200 feet from publicly-owned conservation areas, publicly-owned preservation areas, or environmentally sensitive lands, unless approved by ERM.

2) Slopes
   a) Slope Angle
   Slopes for all excavation types with unplanted littoral zone areas shall be no steeper than four feet horizontal to one foot vertical to a minimum depth of minus two feet OWL. Slopes below the minus two feet depth shall not exceed two feet horizontal to one foot vertical or the natural angle of repose for the specific conditions encountered. Grades and slopes shall be constructed in such a manner as to minimize soil erosion and to make the land surface suitable for revegetation. The slopes shall be adequately vegetated with appropriate ground cover from top of bank to edge of water within 30 days of final grading and thereafter maintained to prevent wind and water erosion.

   b) Slope for Planted Littoral Zones
   The slope for excavation with planted littoral zone areas shall be no steeper than ten feet horizontal to one foot vertical to a distance of five feet waterward of the designated planted littoral zone area. Shallower slopes are encouraged to promote greater success of the littoral zone plantings. A copy of the record drawings certified by a surveyor or engineer recognized and approved by FDPR shall be submitted to ERM within 30 days following completion of slope construction.

   (1) Inspection
   Within 48 hours prior to completion of construction of the required slopes for the planted littoral zones, notification to ERM is required in order to schedule a slope inspection.

   c) Drainage
   Overland sheet flow directly into an excavated area shall be minimized. Those areas within a maximum of 50 feet of the excavated lake may discharge runoff to the lake. This restriction shall not apply to any catchment area discharging runoff to a lake designated as a water management tract and incorporated in an approved stormwater management plan.
for treatment and control of runoff from a development site, where the boundaries of said catchment are delineated on an approved plan.

3) Final Site Conditions
No sharp declivities, pits, depressions, or debris accumulation shall remain after reclamation. Final grading shall conform to the contour lines and grades on the approved reclamation plan.

c. Reclamation Standards
1) General
   a) Types of Reclamation
      Four types of reclamation standards are defined below. Reclamation standards vary based on the type of excavation activity as set forth in Art. 4.B.10, Excavation Uses.

      (1) Excavated Area
         This area includes the depth of a lake and all slopes waterward of the top of bank, excluding littoral plantings.

      (2) Littoral Planting
         This area includes all plantings waterward from edge of OWL or plus one (+1) OWLs.

      (3) Upland
         This area includes the land area landward of the top of bank and requires that a minimum area of land be maintained or created around the perimeter of an excavated area to preserve future use of the land.

      (4) Upland Planting
         This area includes all plantings landward of the top of bank and requires stabilization of soil and re-establishment of native upland vegetation.

   2) Excavated Area Reclamation Standard
      All slopes shall be reclaimed in accordance with Art. 4.B.10.B.7.b, Construction Standards, and in Art. 4.B.10.B.7.c, Reclamation Standards. Areas not required to be stabilized with littoral plantings shall be stabilized and planted with appropriate ground cover from top of bank to the edge of the water. If seeding is used, a minimum of 50 percent coverage shall be required. The depth of the lake and side slopes shall comply with Art. 4.B.10.B.7.b, Construction Standards.

   3) Littoral Planting Reclamation Standards
      All Agricultural (excluding WCAA), Type 2 and Type 3 Excavations, excluding ponds, shall comply with the following littoral zone standards. Exempted excavations within the WCAA shall provide a littoral zone if the land use ceases to be agricultural.

      a) Planted Littoral Zones
         Planted littoral zones shall be provided which comprise, at a minimum, an area equivalent to eight square feet per linear foot of shoreline. Creativity in design in the placement of the planted littoral zone is strongly encouraged, such as extended areas in one portion of the lake or at the discharge point. For basins with multiple lakes that are interconnected, littoral zones may be concentrated within one or more lakes so long as the basin as a whole contains the total required littoral area. The planted littoral zone area shall be limited to the area between one foot above OWL and two feet below OWL. If the Applicant demonstrates to ERM that the planted littoral area elevations should differ from this requirement based on site specific conditions and based on fluctuations around the OWL, ERM may approve planted littoral area elevations other than those elevations stated above. Requirements for littoral zone planting shall be in addition to any planting for wetland mitigation required by DEP, SFWMD, USACE, ERM, or any other agency with wetland jurisdiction.

      b) Vertical Walls
         Vertical walls, bulkheads, or other means of hardening the shoreline may be allowed, however, for each linear foot of vertical wall, an additional eight square feet of planted littoral zone shall be required. Thus every linear foot of vertical wall shall require 16 square feet of planted littoral zone to be planted.

      c) Planting Requirements
         The littoral zone shall be provided with a minimum of six inches of a sand topsoil mix to promote vegetative growth for those areas that do not have adequate soil conditions to ensure plant survivorship. The littoral zone shall be planted with at least five species of appropriate native wetland vegetation, with an average spacing of two feet on center or as approved by ERM. The design and species used shall be such that the plants have an anticipated minimal 80 percent coverage. This criterion shall be met from the 180-day monitoring period, and in perpetuity. The Director of ERM shall maintain a list of acceptable
plant species for use in their appropriate elevations within the littoral zones. The list may be amended for general application as more information becomes available. The list shall be open for public inspection and distribution.

d) **Timing of Planting**

Planting of the excavated lake or pond shall occur no later than immediately prior to the issuance of the first certification of occupancy for any lot adjacent to or abutting the bank of that lake. ERM may approve in writing a phasing plan for planting large single lake systems or interconnected multi-lake systems that would allow lake planting to be phased. At all times, Applicant is responsible for minimizing erosion of the littoral shelves until the planting is completed. ERM shall be notified within 48 hours prior to completion of the littoral zone planting.

e) **Littoral Planting Plans**

The plans shall detail the species and numbers of plants to be used, the location and dimensions of the littoral areas, including any compensatory littoral areas, if applicable; typical cross Section of planted littoral zones from lake maintenance easements to the maximum depth of the lake; the location and dimensions of any structure for which a compensatory littoral area is required; the methods for planting and ensuring survival of the plants; and other reasonable information required by the Director of ERM.

Projects which are proposed to be conducted in phases, shall include plans which delineate the phases of excavation and shall include guarantees for each phase. The signatory of the plans and specifications shall have a personal familiarity with the site and soil conditions based upon a field review.

4) **Upland Reclamation Standards**

Upland reclamation standards apply to Type 2 and all Type 3 Excavations only.

a) **Reclamation Plan**

(1) **General**

A site reclamation plan shall be submitted as an integral part of the application for a Type 2 or Type 3 Excavation and shall be approved by DRO prior to commencement of work. Reclamation is required to ensure a viable end use for the excavation site. The plan shall demonstrate compliance with the requirements in Art. 4.B.10.B.7, *Technical Standards*, except for the littoral planting plan which has its own application submittal requirements. However, the reclamation plan submitted to DRO shall indicate the littoral planting areas.

(2) **Type 2 Excavation**

The certified final site development plan shall function as the standards required for the final development plan.

(3) **Type 2 Excavation Exceeding Off-Site Removal Limitations**

As set forth in Art. 4.B.10.C.4, *Type 2 Excavation*, shall be classified as a Type 3A Excavation when the Applicant proposes to remove more than ten percent of the fill off-site. Notwithstanding final site plan certification, the final site development plan shall function as the reclamation plan and planting requirements shall be met in accordance with the landscape requirements for the final site development plan. In such cases, the BCC may waive all or modify a portion of the explicit upland reclamation planting requirements defined below based on the ultimate use of the site. The BCC may require that the upland reclamation plantings defined below be incorporated into the open space pedestrian system as defined on the final site development plan.

(4) **Type 3 Excavation**

The reclamation plan for a Type 3 Excavation shall comply with the upland reclamation standards in this Section.

b) **Perimeter Reclamation**

At a minimum, 75 percent of the perimeter of the excavated area shall have a width of 180 feet; and the remaining 25 percent shall have a width of 100 feet. All disturbed and reclaimed areas shall be planted or seeded with a permanent native ground cover to reduce the loss of topsoil due to water and wind erosion, to provide adequate growing conditions for reclamation planting requirements and to prevent the establishment of prohibited plant species.
c) **Timing of Upland Reclamation**
Reclamation shall occur immediately following the end of excavation or immediately following each phase of excavation, whichever occurs first. Upon commencement of reclamation and rehabilitation of the initial phase of this excavation, the next phase of excavation may commence upon written authorization by the DRO. The applicable guarantee must be on file prior to authorization for the commencement of excavation on any subsequent phase.

(1) **Timing of Planting**
If excavation activity is phased, planting shall occur at the completion of each phase. Planting of the reclaimed upland area should occur during the rainy season (June-October), within six months after completion of the excavated area or phase thereof, as applicable. The Property Owner shall ensure that proper watering and maintenance occurs in order to ensure a successful survival rate. If planting does not occur during the rainy season, then the Property Owner shall provide irrigation to establish the new plantings. PZB shall be notified 48 hours prior to completion of the upland plantings.

d) **Calculating Planting Requirements**
In addition to the buffer requirements in Art. 4.B.10.C.5, Type 3 Excavation, the following upland planting requirements shall apply.

(1) **Sites Supporting Native Vegetation**
Calculations to determine the reclamation planting requirements for sites supporting native vegetation shall be based on the existing tree cover. Controlled or prohibited species shall be exempt from this calculation. In addition, any tree species located within the required perimeter buffer area shall also be exempt. If no vegetation exists, the Applicant shall demonstrate that the site was cleared before 1986 or has been issued and has complied with a vegetation removal permit. A certified tree survey shall be submitted by either a landscape architect, forester, land surveyor, or engineer who is registered in the State of Florida. This count shall include all existing on-site native trees with a trunk diameter three inches or greater to be measured at four and one-half feet above the ground. The number of replacement trees to be planted at the time of final site reclamation shall be determined by multiplying the trees-per-acre figure by the number of required reclaimed land acres remaining at the time of final site reclamation. Credit shall be given by PZB for existing trees greater than three inches in diameter which are relocated and/or adequately protected during excavation. Any trees relocated and/or protected shall be deducted from the replacement tree count requirement. The trees to be replanted shall be native and a minimum eight feet high. In addition, two under-story 18-inch-high seedlings shall be planted for each tree required to be planted.

e) **Upland Planting Reclamation Standards**
The upland reclamation plantings may be clustered in one area of the reclaimed upland area or dispersed throughout the reclaimed upland area. No minimum or maximum area is required, except as a condition of approval, as long as the vegetation is planted in accordance with standards set forth in Art. 7.D, Landscape Standards, and Art. 14.C, Vegetation Preservation and Protection. A minimum of five native plant species shall be used to fulfill the planting requirements. The design and species used shall be such that the plants have an anticipated minimal survival rate of at least 80 percent at the end of each monitoring period.

f) **Plan Requirements**
The upland reclamation planting plan shall be submitted to the DRO simultaneously with the application for the final site plan.

1. The signatory of the plans and specifications shall have personal familiarity with the site and soil conditions based upon a field review. The plans shall be signed and sealed by a professional landscape architect certified by the Florida Department of Professional Regulation.

2. At a minimum, the plans shall detail the location, species and numbers of plants to be used, and the methods for planting and ensuring survival of the plants, and other reasonable information required by ERM.
g) **Phased Projects**

In the event that upland reclamation is to be conducted in phases, the following additional requirements shall apply:

1. A phasing plan shall be submitted indicating:
   a) exact acreage of each phase;
   b) proposed duration of excavation and reclamation of each phase; and,
   c) number of trees to be planted.

5) **Area of Record**

All reclaimed littoral and upland planting areas shall be identified graphically and in writing on a separate restrictive covenant. The graphic shall be signed and sealed by a certified engineer or surveyor as applicable, recognized and approved by the FDPR. If a plat is required, pursuant to Art. 11, Subdivision, Platting, and Required Improvements, all planted littoral zones and upland reclamation planting areas shall be identified by reference to the restrictive covenant. The plat and restrictive covenant shall be reviewed and approved by the Zoning Division, ERM, and the County Attorney’s office prior to recordation. A copy of the plat, if applicable, and recorded restrictive covenant shall be provided to ERM and PZB, prior to issuance of written approval of the Notice of Intent to Construct. Within 30 days following plat recordation, a copy of the recorded plat shall be provided to ERM and Zoning Division. An Applicant may submit a written request to ERM to approve the termination of a recorded restricted covenant agreement provided the DO has been rescinded and no excavation of any water management tract has occurred. A copy of the termination of the restrictive covenant shall be provided to ERM. A restrictive covenant may be amended upon written request by an Applicant and approval by ERM. The littoral area and reclaimed upland planting area shall be specifically and separately reserved to the owner, or if applicable, to the Property Owners’ Association as its perpetual maintenance responsibility, without recourse to PBC or any other governmental entity or agency. The plat, if applicable, restrictive covenant and Property Owners’ Association documents, shall contain the following statement: [Ord. 2019-034]

It is a punishable violation of PBC Laws, Ordinances, Codes, Regulations, and approvals to alter the approved slopes, contours, or cross sections or to chemically, mechanically, or manually remove, damage, or destroy any plants in the reclaimed areas and planted littoral zone except upon the written approval from the Director of ERM or Zoning, as applicable. It is the responsibility of the owner or Property Owners’ Association, its successors or assigns, to maintain the required survivorship and coverage of the reclaimed upland and planted littoral areas and to ensure on-going removal of prohibited and invasive non-native plant species from these areas.

d. **Performance Guarantee Requirements**

1) **General**

ERM shall administer guarantee requirements for the excavated area and littoral plantings. The Zoning Division shall administer guarantee requirements for reclaimed upland area, and upland plantings. The Land Development Division shall administer guarantee requirements associated with road maintenance and repair of haul routes if required by the BCC or County Engineer Executed Agreement pursuant to Art. 4.B.10.B.7.a.10)b), Executed Agreement.

2) **Guarantees Required**

The guarantees for phased projects may be bonded separately with approval by the DRO.

a) **Agricultural and Type 2 Excavations**

Agricultural and Type 2 Excavations shall be required to provide a guarantee for the littoral zones. If approved as a Class A conditional use, guarantees may also be required for the excavated area, upland reclamation (excluding upland plantings) and roadway maintenance and repair.

b) **Type 3 Excavation**

Approval of at least five guarantees shall be required for Type 3 Excavation:

1. excavated areas;
2. reclaimed upland areas;
3. upland planting areas; and,
4. littoral zones.

c) Approval may be required for Type 3 Excavation for road maintenance and repair.
3) **Execution**
   The performance guarantee shall be executed by a person or entity who owns a property in part or in whole or has legal interest in the property. Transfer of title to the subject property shall not relieve the need for the performance guarantee. The seller shall maintain, in full force and effect, the original performance guarantee until it is replaced by the purchaser. [Ord. 2019-034]

4) **Form of Guarantee**
   The guarantee shall assure the project performs as approved by the BCC and in accordance with the standards of this Code. The guarantee shall take the form of:
   a) A cash deposit or certificate of deposit assigned to PBC;
   b) An escrow agreement for the benefit of PBC;
   c) A performance bond issued by a Florida registered guarantee company which shall be listed on the U.S. Department of Treasury Fiscal Services, Bureau of Government Financial Operations. Said bond may be canceled only upon a 60-day written advance notice and acceptance of cancellation by ERM, PZB or Land Development Division, as applicable;
   d) An unencumbered, clean, irrevocable letter of credit which must be executed on a form provided by PBC; or,
   e) Unless otherwise approved in writing by ERM, PZB or Land Development Division, as applicable, performance bonds or letters of credit shall be on forms provided by PBC.

5) **Amount of Guarantee**
   a) **General**
      The amount of the guarantees shall be adjusted in accordance with the Consumer Price Index, as provided by the Congressional Budget Office and as approved by the County Attorney's Office.
   b) **Excavated Area**
      Guarantee shall be a minimum of 1,000 dollars per acre of permitted excavation area.
   c) **Littoral Zones**
      The guarantee shall be a minimum of 10,000 dollars and shall be an amount of no less than 110 percent of the total estimated cost for planting, maintaining, and monitoring the required littoral shelves. ERM retains the option for requesting a second cost estimate for which the performance guarantee is based.
   d) **Reclaimed Upland and Upland Planting Areas**
      Guarantee shall be a minimum of 10,000 dollars and shall be an amount of no less than 110 percent of the total estimated cost for reclaiming, planting, maintaining, and monitoring the upland area and required upland planting areas. PZB retains the option for requesting a second cost estimate for which the guarantee is based.

6) **Submission and Approval of Guarantee**
   Except in the case of an application by a political subdivision or agency of the State, all Applicants shall submit the guarantee instruments and obtain approval of the guarantee as provided below.
   a) **Reclaimed Upland Area and Upland Planting Areas**
      Guarantees for the reclaimed upland area and upland planting areas shall be submitted with the DRO application and approved prior to DRO approval of the Final Excavation Plan.
   b) **Excavated Area and Littoral Zones**
      Guarantees for the excavated area and littoral zones shall be approved by ERM prior to issuance of written approval of the Notice of Intent to Construct.
   c) **Road Maintenance and Repair**
      When required, guarantees for road maintenance and repair shall be approved by the Land Development Division prior to issuance by ERM of the Applicant's Notice of Intent to Construct.

7) **Duration and Release**
   The guarantee for the excavated area and upland reclamation area of Type 3 Excavation may be reduced once the “as-built” plan is approved. However, the guarantee shall continue to cover the upland planting and littoral planting areas until released by Palm Beach County.
   a) **Excavated Areas for Type 3 Excavation**
      At the request of the Applicant, the guarantees shall be released by ERM, after DRO certification of the final as-built reclamation plan, in accordance with Art. 4.B.10.C.5.g, Use Approval and Procedures.
b) Upland Reclamation Area
At the request of the Applicant, the guarantees shall be released by PZB, after DRO certification of the final as-built reclamation plan, in accordance with Art. 4.B.10.B.7.c.5), Area of Record.

c) Littoral and Upland Planting Reclamation Areas
The guarantees shall remain in effect a minimum of 730 days (two years) after reclamation is completed in accordance with all requirements of this Section. Guarantees shall not be released until approved plats or separate instruments are recorded and proof of recordation is provided to ERM and PZB, pursuant to Art. 4.B.10.B.7.d, Performance Guarantee Requirements. Following verification of successful completion of reclamation through approval of the submitted as-builds, area of record, monitoring reports, and, site inspection(s) by ERM and PZB, as applicable, guarantees shall be released.

d) Road Maintenance and Repair
When required, the guarantee shall be released by the County Engineer and any applicable road maintenance authority after certification of the final phase of the as-built plan and upon final inspection and acceptance of the repair, maintenance and condition of the streets within the radius of impact.

8) PBC Use of Guarantee
Should PBC find it necessary to use the performance guarantee for corrective work or to fulfill the Applicant’s reclamation, reconstruction or maintenance obligations as set forth herein, the Applicant shall be financially responsible for all legal fees and associated costs incurred by PBC in recovering its expenses from the firm, corporation or institution that provided the performance guarantee.

e. Maintenance and Monitoring
The following maintenance and monitoring program is required for all planted littoral zones and reclaimed planted upland areas.

1) Excavation Activity
The Applicant shall submit an annual report to the DRO indicating the status of the excavation activity. The report shall include, but not be limited to, the status of:
   a) the current phase(s) of excavation;
   b) all phases of excavation and reclamation activities (including date(s) of completion and anticipated dates of completion);
   c) amount of material extracted and amount of material removed from the site;
   d) condition of perimeter buffers and landscaping; and,
   e) status of compliance with conditions of approval and applicable requirements in this Section.

2) Initial Maintenance and Monitoring of Reclaimed Upland Areas and Littoral and Upland Planting Areas
The planted littoral zones and planted upland areas shall be inspected and monitored for at least one year after planting. Equipment storage, maintenance and service areas shall be monitored until completion of the excavation activity for contamination by regulated substances. The maintenance and monitoring program shall comply with the following requirements:
   a) Maintenance
      Inspections, monitoring, exotic plant species removal and replanting during each monitoring period shall be required to maintain the minimum:
      (1) 80 percent coverage criterion for the planted littoral zone from the 180-day monitoring period; and
      (2) 80 percent survivorship for the planted upland area from the 180-day monitoring period;
   b) Exotic Plant Species
      Complete removal of the following plant species from the planted littoral zone and upland areas, as applicable:
      (1) prohibited and invasive non-native plant species as defined by Art. 14.C, Vegetation Preservation and Protection; and
      (2) invasive species, such as cattails, primrose willows, and water hyacinth.
c) Regulated Substances
Inspections and monitoring of all equipment storage, maintenance and service areas shall be required to ensure the site has not been contaminated by regulated substances. Construction areas shall be maintained in accordance with the "Regulated Substance Best Management Practices for the Construction Industry."

d) Submittals for Monitoring Programs
Submittal of monitoring reports for each monitoring period shall be required. The planted littoral zone reports shall be submitted to ERM and the reclaimed upland planting reports shall be submitted to the Zoning Division. These monitoring reports shall represent the monitoring periods commencing with a time zero report, 90-day, 180-day and 360-day reports.
The time zero monitoring report shall be submitted within 30 days of the initial planting. Each subsequent report shall be submitted within 30 days of the completion of the monitoring period. If following the first year of the maintenance and monitoring period, PBC finds the planted littoral or reclaimed planted upland areas to be in non-compliance with the provisions herein, the land owner or entity having maintenance responsibility may be required by PBC to extend their maintenance and monitoring period, until compliance with the maintenance and monitoring requirements is met.

e) Content of Monitoring Reports
Each monitoring report, including the time zero report, shall assess the species, numbers, and locations of planted littoral zones and reclaimed upland planting areas. The report shall also depict the equipment maintenance, storage and service areas and assess the condition of the ground as a result of possible leakage or spillage of regulated substances. The report shall include multiple photographs (panoramas are preferred) of the site clearly showing these areas. Photographs must be taken at approximately the same location(s) each time.
In addition, the report shall detail the species, numbers and locations of additional plantings that were made to attain the 80 percent survivorship/coverage criteria, if such plantings were necessary.

3) Long-Term Maintenance and Monitoring of Reclaimed Upland Areas and Littoral and Upland Planting Areas
After the first year, the land owner or entity having maintenance responsibility for the planted littoral zone and planted upland reclamation area, shall maintain these areas in the following manner.
   a) The reclaimed upland areas shall maintain a minimum survivorship of 80 percent, and the planted littoral zone shall maintain a minimum coverage of 80 percent.
   b) Exotic and invasive non-native plant species as defined by Art. 14.C, Vegetation Preservation and Protection, such as cattails, primrose willows and water hyacinth, shall be restricted to a coverage of less than ten percent of the required planted littoral zone. No exotic or invasive non-native plant species shall be permitted in the upland areas.

4) Repair, Reconstruction Modification
DRO approval shall be obtained prior to any reconfiguration of the approved lake or reclaimed upland area. Written approval from the Director of ERM shall be obtained prior to modification of the planted littoral zones.

8. Administration and Enforcement
   a. Administrative Waiver from Construction Criteria for Agricultural, WCAA, Type 2 and Type 3 Excavations
      1) Authority and Criteria
         Administrative waivers from the slope, depth, or littoral zone standards contained in Art. 4.B.10.B.7, Technical Standards, for Agricultural, WCAA, Type 2, and Type 3 Excavations may be granted by ERM in accordance with the standards of this Section. ERM may grant the waivers to an Applicant upon demonstration by a preponderance of evidence, that such administrative waivers will not be injurious to the area involved or otherwise detrimental to the public welfare, and that special or unique circumstances exist to justify the administrative waivers based on one or more of the following conditions:
            a) That the literal application of these standards will create an unreasonable hardship and that the special and unique circumstances do not result from the actions of the Applicant;
b) That a request for relief from the littoral planting requirements include an alternative plan with a contribution to the Pollution Recovery Trust Fund of twice the amount calculated by the formula for a guarantee located in Art. 4.B.10.B.7.d.5c), Littoral Zones and for review and approval by the Director of ERM. If the littoral zone had been depicted on the site or master plan, a modification of the plan shall be processed in order to delete the littoral zone from the plan;

c) That appropriate technology and methods will be used to ensure consistency with the intent of the Code; or,

d) The proposed administrative waiver will not be adverse to the general intent and purpose of this Section.

2) Limitations

No administrative waiver shall be approved for those separation items in Art. 4.B.10.B.7.b, Construction Standards, unless the item specifically allows approval by ERM; nor for any mining or excavation operation location which will reduce hydraulic recharge distances to a public water supply well in excess of two percent; nor within 200 feet of a publicly-owned conservation area, environmentally sensitive land area, or publicly-owned Preservation Area. An administrative waiver may be granted for littoral areas within a lake supporting Bona Fide Agriculture operations. If the land use changes from Bona Fide Agriculture use, the littoral requirements for the new land use shall be required.

3) Review Process

The request shall be included with the Notice of Intent to Construct, unless a Notice of Intent to Construct has been previously approved. An appropriate fee and drawings of sufficient detail shall be required in order to provide the information needed to determine if granting approval of the waiver is appropriate. The application and drawings, excluding littoral planting plans, shall be signed and sealed by a professional recognized and approved by the Florida Department of Professional Regulation for this type of project.

a) Upon receipt of a request to deviate from the Construction Criteria, ERM shall have 30 days to request any additional information.

b) Within 30 days of receipt of the requested additional information, ERM may only request information needed to clarify the additional information supplied or to answer new questions raised by or directly related to the additional information.

c) If ERM does not ask for additional information within 30 days of receipt of the request, the request shall be deemed complete upon date of receipt.

d) If an Applicant fails to respond to a request for the fee or any additional information within 60 days, the request may be denied without prejudice. However, ERM may grant an extension of time as is reasonably necessary to fulfill the request for additional information. ERM action shall be approval or denial, and shall be included with the issued written approval of the Notice of Intent to Construct.

b. Violations, Enforcement, and Penalties

1) Violations

Violations not related to conditions imposed by the Notice of Intent to Construct excavation, may be referred to the Director of Code Enforcement as determined by the Director of ERM. For each day or portion thereof, it shall be a violation of this Section to:

a) fail to comply with a requirement of this Section, a condition of an approval or an authorized exemption granted hereunder;

b) fail to comply with the design specifications or littoral planting plan submitted with the Notice of Intent to Construct for which a written approval was issued by ERM;

c) alter or destroy the approved depths, slopes, contours, or cross-sections;

d) chemically, mechanically, or manually remove, damage, destroy, cut, or trim any plants in the littoral zones, except upon written approval by the Director of ERM;

e) dredge, excavate, or mine the lake or littoral zones without prior receipt of approval(s) from ERM and/or PZB;

f) cause water quality violations in excess of the standards contained in Chapter 62-302, F.A.C.; or,

g) dewater in Type 1A, Type 1B; and Agricultural Excavations unless otherwise permitted by a State agency, Federal agency, or the SFWMD.
c. Enforcement
Violations of each provision of this Section, any conditions of approval, or any of those violations listed in Art. 4.B.10.B.8.b, Violations, Enforcement, and Penalties, above, shall be deemed a separate violation and may be subject to fines up to 1,000 dollars per day per violation. In order to enforce compliance with the provisions of this Section, ERM, PZB and the County Engineer may issue a cease and desist order or require that future DRO certifications be denied or a Building Permit or CO be withheld. Violations of the provisions of this Section shall be punishable by one or more of the following:

1) Quadruple permit fees shall be assessed if permits were not obtained for violations involving activities which would otherwise have been permissible, as determined by ERM, PZB, or the Land Development Division.

2) This Section shall be enforced through the remedies as outlined in Art. 10, Enforcement. However, PBC is not prevented from enforcing the provisions of this Section by any other measures allowable by law, including but not limited to, F.S. ch. 125 and F.S. ch. 162, as may be amended.

3) If the Applicant has violated the provisions of this Section, or a condition of approval, staff may place the subject Development Order back on a BCC agenda for re-consideration in accordance with the provisions of Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval, and Art. 10, Enforcement.

d. Restoration
Damage to upland reclamation areas, planted littoral shelves, littoral plants and/or streets may result in an order to restore to the approved conditions. Excavation operations that have occurred without approval and receipt of written approval from ERM, PZB or the County Engineer, as applicable may result in an order to restore the site or streets in the radius of impact to preexisting conditions.

e. Additional Remedies
In addition to the sanctions contained herein, PBC may take any other appropriate legal action, including but not limited to, administrative action, and requests for temporary and permanent injunctions, to enforce the provisions of this Section.

f. Use of Collected Monies
All monies collected by ERM as civil penalties for violations of this Section shall be deposited in the PBC Pollution Recovery Trust Fund.

9. Appeals
An Applicant may appeal a final determination made by the appropriate authority that interprets excavation uses as contained in Art. 1.B.1.A, Authority, based on the appeal process in Art. 2.A.14, Appeal.

C. Definitions and Supplementary Use Standards for Excavation Uses
Before commencement of any excavation, approval shall be obtained pursuant to the procedures and standards defined in this Section.

1. Agricultural Excavation
a. Definition
Excavation necessary to support Bona Fide Agriculture production operations, including but not limited to the creation of ponds or lakes to construct accessory structures supporting the agricultural use, livestock ponds, canal laterals and roads, but excluding customary agricultural activities such as plowing and maintenance of canals and roads.

b. Separation and Setbacks
In addition to the separation requirements in Art. 4.B.10.C.1, Agricultural Excavation, shall maintain a minimum setback of 100 feet, measured from the inside edge of the lake maintenance easement to any adjacent property line.

c. Maximum Depth
Excavation activity shall not exceed 20 feet from OWL. This maximum depth may be exceeded if approved by ERM in accordance with Art. 4.B.10.B.8, Administration and Enforcement, provided the Applicant adequately ensures that chloride levels shall not exceed 250 parts per million (ppm) and Total Dissolved Solids (TDS) either does not exceed 500 ppm or is in accordance with Rule 62.520.420(2), F.A.C., in the excavated lake based on ground water sampling prior to construction, or the Applicant may provide reasonable assurance that the ambient off-site chloride and TDS levels will not be degraded based upon background levels. Additional sampling may be required by ERM during and after construction.
d. Sediment Sump
   A sediment sump may be constructed at the excavated lake or pond inlet to a depth of 25 feet
   OWL. A sump shall not exceed five percent of the mined lake area.

e. Reclamation, Maintenance and Monitoring
   Agricultural Excavation shall comply with the excavated area, and littoral zone reclamation
   requirements of Art. 4.B.10.B.7.c, Reclamation Standards, and Art. 4.B.10.B.7.c.2), Excavated
   4.B.10.B.7.c.5), Area of Record, and Art. 4.B.10.B.7.e, Maintenance and Monitoring
   requirements, and Art. 4.B.10.B.8.e, Additional Remedies, unless waived by ERM.

f. Use Approval and Procedures
   All applications for Agricultural Excavation shall include a detailed explanation of the proposed
   Bona Fide Agriculture use. This explanation shall demonstrate consistency with applicable industry
   standards and satisfy the definition requirements of Bona Fide Agriculture pursuant to Art. 1.H,
   Definitions and Acronyms. The excavation shall be the minimum necessary to implement the
   proposed Bona Fide Agriculture use.
   1) Two Acres or Less – DRO
      Agricultural Excavation consisting of two acres or less in surface area, may be approved
      pursuant to Art. 2.G.4.G, Development Review Officer (DRO). The DRO shall review for
      compliance with the standards of this Section and may approve the application with or without
      conditions.
   2) Greater Than Two Acres – Conditional Use
      Off-site removal shall apply the appropriate compatibility standards of Art. 4.B.10.C.5, Type 3
      Excavation.
   3) Additional Review
      See Art. 4.B.10.C.5.g.1), Excavation Pre-Application Checklist.

g. Guarantee Requirements
   Agricultural Excavation shall comply with the Guarantee requirements pursuant to Art.

h. Notice of Intent to Construct
   In accordance with Art. 4.B.10.B.6, Notice of Intent to Construct, shall be required.

i. WCAA Excavation
   1) Operational and Construction Standards
      An application for WCAA Excavation shall comply with the standards in Art. 4.B.10.B.7.a,
      Operational Standards and Requirements, and Art. 4.B.10.B.8.b, Violations, Enforcement, and
      Penalties, and except for hours of operation.
   2) Separations and Setbacks
      In addition to the separation requirements in Art. 4.B.10.B.7.b.1), Separation, a WCAA
      Excavation shall maintain a minimum setback of 50 feet measured from the inside edge of the
      lake maintenance easement to any adjacent property lines.
   3) Depth
      The maximum depth for the excavated lake or pond shall not exceed 15 feet from OWL due to
      chloride and TDS considerations. This maximum depth may be exceeded if approved by ERM
      in accordance with Art. 4.B.10.B.8, Administration and Enforcement, provided the Applicant
      adequately ensures that chloride levels shall not exceed 250 parts per million (ppm) and Total
      Dissolved Solids (TDS) does not exceed 500 ppm or is in accordance with Rule 62.520.420(2),
      F.A.C. within the excavated lake or pond based on ground water sampling prior to construction.
      Additional sampling may be required during and after construction.
   4) Sediment Sump
      A sediment pump may be constructed at the excavated lake or pond inlet to a depth of 25 feet
      OWL. However, this sump shall not exceed five percent of the mined lake area.
   5) Approval and Procedures
      All applications for WCAA Excavation shall include a detailed explanation of the proposed Bona
      Fide Agriculture use. This explanation shall demonstrate consistency with applicable industry
      standards and shall satisfy the definition requirements of Bona Fide Agriculture pursuant to Art.
      1.H, Definitions and Acronyms. Excavation shall be the minimum necessary to implement the
      Bona Fide Agriculture use.
      a) Additional Requirement. See Art. 4.B.10.C.5.g.1), Excavation Pre-Application Checklist.
6) **Notice of Intent to Construct**
   In accordance with Art. 4.B.10.B.6, *Notice of Intent to Construct*, shall be required.

2. **Type 1A Excavation**
   a. **Definition**
      Excavation necessary to obtain fill for the construction of a Single Family dwelling or an accessory structure to a Single Family dwelling on a lot.
   b. **Lot Size**
      A minimum of one acre.
   c. **Excavated Surface Area**
      The maximum surface area of all excavation on the premises shall be less than two-tenths acre or 8,712 square feet.
   d. **Off-Site Removal**
      Off-site removal of extracted material is prohibited.
   e. **Separation and Setbacks**
      In addition to the separation requirements in Art. 4.B.10.B.7.b.1), *Separation*, Type 1A Excavation shall maintain the following minimum setbacks, measured from the inside edge of the lake maintenance easement.
      1) 15 feet at the time of construction from any adjacent property line. The top of bank shall be a minimum of five feet.
      2) 50 feet from any potable water well.
      3) 100 feet from any septic system pursuant to Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage Treatment and Disposal Systems.
   f. **Slope**
      If a lake excavated prior to June 16, 1992, does not comply with the minimum slope requirements of Art. 4.B.10.B.7.b.2), *Slopes*, a minimum four-foot-high gated fence completely enclosing the excavated area may be substituted for the required slopes.
   g. **Depth**
      Excavation activity shall not exceed ten feet in depth below OWL.
   h. **Reclamation**
      The Applicant shall comply with the following reclamation requirements prior to issuance of a CO.
      1) Compliance with the slope and drainage and reclamation standards of Art. 4.B.10.B.7.b, *Construction Standards*, shall be required.
      2) The Property Owner shall submit a Certificate of Compliance sealed by a registered Land Surveyor to the Building Division depicting:
         a) an as-built survey showing the location, size, and depth of the excavated area; and
         b) in cases where no permanent water body is created, the site plan submitted with the Building Permit shall serve as the reclamation plan.
   i. **Use Approval and Procedures**
      The request shall be made concurrent with an application for a Building Permit. Approval shall be issued concurrent with receipt of a Building Permit for a Single Family dwelling.
      1) **Application Requirements**
         The Building Permit plans shall be supplemented with the following information:
         a) **Site Plan**
            A general site plan complying with the standards of this Section;
         b) **Statement**
            A statement estimating the amount of excavated material, in cubic yards; and,
         c) **Notarized Authorization**
            Notarized authorization from the Property Owner to excavate.
      2) **Determination of Sufficiency, Review and Decision**
         A Building Permit shall be issued by PZB, with or without conditions of approval, after the application has been determined complete and in compliance with this Section.

3. **Type 1B Excavation**
   a. **Definition**
      Excavation necessary to obtain fill for the construction of a Single Family dwelling or an accessory structure to a Single Family dwelling on a lot.
   b. **Lot Size**
      A minimum of two and one-half acres.
c. **Excavated Surface Area**
   The maximum surface area of all excavation on the premises shall be less than 25 percent of the gross lot area and shall not exceed two acres.

**d. Off-Site Removal**
   Off-site removal of extracted material is prohibited.

**e. Separations and Setbacks**
   In addition to the separation requirements of Art. 4.B.10.B.7.b, Construction Standards, Type 1 Excavation shall maintain the following minimum setbacks:
   1) 30 feet at the time of construction from any adjacent property line.
   2) 50 feet from any potable water well.
   3) 100 feet from any septic system pursuant to Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage Treatment and Disposal Systems.

**f. Maximum Depth**
   Excavation activity shall not exceed 15 feet in depth below OWL.

**g. Reclamation**
   The Applicant shall comply with the following reclamation requirements prior to issuance of a CO.
   1) Compliance with the slope angle, drainage, and reclamation standards of Art. 4.B.10.B.7.b, Construction Standards.
   2) The Property Owner shall submit a Certificate of Compliance sealed by a registered Land Surveyor to the DRO depicting:
      a) An as-built survey showing the location, size, and depth of the excavation.
      b) In cases where no permanent water body is created, the Building Permit site plan shall serve as the reclamation plan.

**h. Use Approval and Procedures**
   The request shall be made concurrent with an application for a Building Permit. Approval shall be issued concurrent with receipt of a Building Permit for a Single Family dwelling.
   1) **DRO Approval**
      Pursuant to Art. 2.C, Administrative Processes; DRO Approval shall be required. The DRO shall review for compliance with this Section and may approve the application with or without conditions.
   2) **Duration**
      A Type 1B Excavation permit shall expire 120 days from the date authorization is received to begin excavation activity. The DRO may grant one 90-day extension.

4. **Type 2 Excavation**
   a. **Definition**
      Excavation necessary to create a lake or lakes required to implement a Development Order.
   b. **Location**
      A Type 2 Excavation may be permitted to implement a Development Order for a principal use as allowed in Art. 4.B.10, Excavation Uses, and to implement a Final Master Plan, Final Site Plan, or Final Subdivision Plan approved by the DRO.
   c. **Standards**
      An application for a Type 2 Excavation shall comply with the following requirements:
      1) Art. 4.B.10.B.7.a, Operational Standards and Requirements, and Art. 4.B.10.B.7.b, Construction Standards;
      2) Excavated area, Littoral zone and general upland reclamation requirements pursuant to Art. 4.B.10.B.7.c, Reclamation Standards;
      3) Art. 4.B.10.B.7.d, Performance Guarantee Requirements;
      4) Art. 4.B.10.B.7.e, Maintenance and Monitoring; and,
   d. **Separations and Setbacks**
      In addition to the separation requirements in Art. 4.B.10.B.7.b.1), Separation, Type 2 Excavation shall maintain a minimum setback of 30 feet, measured from the top of bank to the perimeter boundary of the Planned Development District, Subdivision, Final Site Plan, streets 80 feet in width or greater, and canal R-O-W. For the purpose of this separation and setbacks provision, the top of bank is considered the waterward edge of the lake maintenance easement.
   e. **Depth**
      The maximum depth of a Type 2 Excavation shall be in accordance with Art. 4.B.10.C.1.c, Maximum Depth.
f. Use Approval and Procedures

1) DRO Approval
Prior to initiating Type 2 Excavation activities, DRO shall review the final site development plan for compliance with the standards of this Section and may approve with or without conditions.

2) Off-Site Removal of Excess Fill – DRO
DRO may approve removal of more than ten percent of the extracted material from the site if:
   a) The Applicant demonstrates that the make-up of the natural soil contains an excessive amount of silt, rock, or muck and construction of required drainage structures or construction of required structural foundations require removal of an excessive amount of silt, rock, or muck; or
   b) The removal of the material is the minimum necessary to accommodate on-site drainage requirements or structural fill requirements; and,
c) The impact of the excavated material will not cause adverse effects to internal Property Owners or internal streets.

3) Off-site Removal of Excess Fill – Conditional Use

A minimum of 90 percent of the fill shall be used on site, unless unusual site conditions exist. If an excess of ten percent of fill is proposed to be removed from a site and no unusual conditions exist justifying removal of more than ten percent of the excavated material, as specified in Art. 4.B.10.C.4.f.2), Off-Site Removal of Excess Fill – DRO, the application shall be subject to the following:

a) Approval Process

Apply for a Class A Conditional Use process, pursuant to the standards of Art. 2.B.7, Types of Applications for Conditional Uses, Development Order Amendments, Unique Structures, and Type 2 Waivers.

b) Requirements

The Applicant shall comply with the following standards:

1) Art. 4.B.10.B.7.a, Operational Standards and Requirements.
2) Littoral Planting Reclamation Standards in Art. 4.B.10.B.7.c.3), Upland.
3) Upland Reclamation Standards in Art. 4.B.10.B.7.c.4), Upland Planting.
4) Maintenance and Monitoring requirements for excavated areas, and littoral plantings in Art. 4.B.10.B.7.e, Maintenance and Monitoring.
5) Buffer requirements in Art. 4.B.10.C.5.i.2)b)(3), Type 3A Excavation, Buffer.
6) Setbacks shall be provided pursuant to Type 2 setback requirements in Art. 4.B.10.C.4.d, Separations and Setbacks.

c) Frontage

The development shall have direct frontage on and access to a Collector or Arterial Street depicted on the County’s Thoroughfare Identification Map.

d) Location

The following Type 3A standards shall apply, unless waived by the BCC after a finding of fact that waiver of these standards will not violate the compatibility standards, pursuant to Art. 4.B.10.C.5.i, Compatibility Standards.

4) Excavation, Performed by Public Agency, To Provide Drainage for a Public Street

a) Excavation activity located outside the street boundary, conducted solely to accommodate drainage for a public streets and performed or caused to be performed by contract with a public agency, as defined herein, shall comply with the standards below. The excavation activity shall:

1) be on land owned by PBC, the State, or a Water Control District created by special act to operate under F.S. ch. 298 (1996); or
2) be on land granted by easement to and accepted by PBC, the State, or a Water Control District; and,
3) be the absolute minimum necessary to comply with the surface water drainage requirements for the public streets.

b) For the purpose of Art. 4.B.10.C.4, Type 2 Excavation, authorization by PBC, FDOT, or a Water Control District to construct public streets shall constitute a valid Development Order. The excavation design and activity shall only be required to comply with these standards indicated below. No other provision applicable to Type 2 Excavation as contained in this Article shall apply. [Ord. 2018-018]

1) Notice of Intent to Construct pursuant to Art. 4.B.10.B.6, Notice of Intent to Construct;
3) Littoral zone and general upland reclamation requirements pursuant to Art. 4.B.10.B.7.c, Reclamation Standards; and,
4) Maintenance and Monitoring requirements pursuant to Art. 4.B.10.B.7.e, Maintenance and Monitoring.

5. Type 3 Excavation

a. Definition

The extraction of minerals primarily for commercial purposes.
b. Classification of Types
Type 2, or Agricultural Excavation that exceed established criteria, as defined in this Section, are to be considered a Type 3 Excavation. Two classes of Type 3 Excavation (Type 3A and Type 3B) are established to distinguish between the types of mining operations.

1) Type 3A Excavation
Excavation activity that extracts materials from the earth and may require limited on-site processing by using temporary or portable crushers, sifters and conveyor systems. A Type 3A Excavation activity may use dragline, dredging or earthmoving equipment to perform the mining operation provided the operation complies with the standards of this Section. The use of explosive devices or permanent structures or equipment used to crush or sift material shall be prohibited.

2) Type 3B Excavation
Excavation activity that extracts materials from the earth and may require extensive processing of the material on site. Type 3B Excavation may use dragline, dredging, earthmoving equipment to perform the mining operation. The use of explosives and heavy industrial equipment to crush, sift and transport the material on site may be permitted subject to compliance with the standards of this Section.

c. Standards
An application for a Type 3 Excavation shall comply with the following requirements:
1) Operational and construction standards pursuant to Art. 4.B.10.B.7.a, Operational Standards and Requirements, and Art. 4.B.10.B.7.b, Construction Standards.
2) Excavated area, Littoral zone and upland reclamation requirements pursuant to Art. 4.B.10.B.7.c, Reclamation Standards.
4) Art. 4.B.10.B.7.e, Maintenance and Monitoring.

d. Location
A Type 3 Excavation may be allowed in accordance with Art. 4.B.10, Excavation Uses. Mining may be allowed with limitations in the zoning districts identified below.

1) AP Zoning District in the AP FLU Designation
Mining shall be limited to the support of public road construction projects, agricultural activities, or water management projects associated with ecosystem restoration, regional water supply or flood protection, on sites identified by the SFWMD or the U.S. Army Corps of Engineers where such uses provide viable alternative technologies for water management. Mining shall demonstrate compliance with standards in Art. 4.B.10.C.5.i, Compatibility Standards.

e. Depth
The maximum depth of a Type 3 Excavation shall be in accordance with Art. 4.B.10.C.5.i, Maximum Depth.

f. Accessory Use
An Asphalt or Concrete Plant shall be allowed as an accessory use to a Type 3B Excavation, subject to DRO approval and provided that:
1) the site is a minimum of 500 acres;
2) the use is separated at least one-half mile from any residential use or district; and,
3) direct access to the plat is provided from an Arterial Street.

g. Use Approval and Procedures
A Class A Conditional Use approval is required for a Type 3 Excavation, in accordance with Art. 2.B, Public Hearing Processes. A Type 3 Excavation shall require an additional level of review that exceeds the County’s current scope of review to establish that the request will not have a significant adverse impact to water quality or the overall health of available water resources.

1) Excavation Pre-Application Checklist
Concurrent with submittal of an excavation application for the DRO certification for public hearing, the Applicant shall secure the information described on the excavation pre-application checklist and shall use this information as the basis for a pre-application meeting with DEP. This pre-application information and meeting is necessary to obtain a Preliminary Assessment Letter (PAL) from the DEP, Bureau of Mines and Minerals. The Pre-Application Checklist is available from the Zoning Division, as amended periodically by the Executive Director of PZ&B.

a) Preliminary Assessment Letter (PAL)
The Applicant shall gather the information described on the checklist and conduct a pre-application meeting with the DEP. The County application shall not be determined to be
sufficient without the PAL or its equivalent as stated in Art. 4.B.10.C.5.g.1)b), Alternative to the Preliminary Assessment Letter. Should the DEP identify certification issues regarding the application, these issues must be resolved prior to certification of the application for public hearing.

b) Alternative to the Preliminary Assessment Letter
In lieu of a Preliminary Assessment Letter, the Applicant may submit one of the following to the County:
(1) An Environmental Resource Permit; or
(2) Request for Additional Information demonstrating no apparent concerns will be generated from the application.

c) Conditions of Approval
The DEP may recommend conditions of approval to the BCC to resolve issues related to its regulations.

2) Water Control or Management District
Concurrent with submittal of an excavation application for the DRO certification for public hearing, the Applicant shall submit a duplicate copy to the Zoning Division to be forwarded to the Water Control or Management District, whichever is applicable, that has jurisdiction to maintain roads and drainage in the area. The Water Control District may provide comments to the DRO to be included in the staff report for presentation to the BCC.

3) Final DRO Approval
Prior to starting any activity associated with the excavation project, the Applicant shall submit an excavation plan to the DRO for review and approval in accordance with Art. 2.C, Administrative Processes.

a) The Applicant shall submit a phasing plan complying with the requirements of Art. 4.B.10.B.5, Supplemental Application Requirements, and Art. 4.B.10.B.6, Notice of Intent to Construct.

b) Once reclamation and rehabilitation of the preceding phase of excavation has commenced, a subsequent phase of excavation may begin after receipt of all guarantees, required by Art. 4.B.10.B.7.e, Maintenance and Monitoring, and written authorization by the DRO.

c) Prior to final site approval by the DRO, ERM shall confirm that the Applicant has provided all necessary State final approved permits.

4) Amendment to Development Order
If amendments to the BCC approval are necessary to accommodate other State permitting requirements, and provided these changes are within boundaries of the existing BCC approval, these amendments shall be allowed at final plan approval by the DRO.

5) Haul Agreement
The BCC may require, as a condition of approval, for an executed agreement for the proposed haul in accordance with Art. 4.B.10.B.7, Technical Standards, prior to issuance of the Notice of Intent to Construct by ERM.

6) Notice of Intent to Construct
Notice of Intent to Construct shall be submitted to and receive approval from ERM in accordance with Art. 4.B.10.B.6, Notice of Intent to Construct, prior to initiating any on-site excavation activities.

7) Reclamation Plan Approval and Release of Performance Guarantees
Prior to the release of any performance guarantee. The DRO shall approve an “as built” reclamation plan. The plan shall include certified as-built drawings and written certification, bearing the seal of an engineer registered in the State of Florida, certifying compliance with Art. 4.B.10.B.7, Technical Standards, (excluding littoral and upland planting requirements), and that all construction related Development Order conditions and guarantees have been satisfied. Performance guarantees for planting areas shall be released in accordance with Art. 4.B.10.B.7.e, Maintenance and Monitoring.

h. Annual Report
For the purpose of Type 3 Excavation, the owner shall submit an Annual Report to Monitoring on the anniversary date of the BCC approval date. The Annual Report is necessary to monitor the intent of the conditional use approval and applicable BCC conditions. In addition, the report is to ensure compliance and update the Agency requirements as listed below:
1) **General**
   a) Acres mined to date;
   b) Tonnage removed/sold including a copy of the resource extraction fee receipt to the County;
   c) Status of each phase;
   d) Updates to master/site plans;
   e) Documentation that the intended use of the material complies with County requirements, such as, but not limited to, the quarry’s status with FDOT and other usages for the mined aggregate;
   f) Status of compliance with conditions contained within the approved Resolution(s);
   g) Status of compliance with all required permits including the most recent compliance inspection from subject agencies, and status of any identified notice of noncompliance/violations;
   h) Full stamped, executed or signed copies, including exhibits and plans, of required permits from all participating agencies including modifications or updates as they occur; and,
   i) Certification and documentation that all seismograph instruments have been re-calibrated during the calendar year.

2) **Agencies**
   Address the following agency requirements:
   a) **Archaeological**
      1) Status of found artifacts and their location(s); and
      2) Copy of notification(s) to County and State Archaeologist and current status.
   b) **Engineering**
      1) Status of potential road construction requirements, signalization and R-O-W acquisitions.
   c) **Environmental**
      1) Status of Notice of Intent to Construct (NIC) conditions of approval and compliance with Administrative waivers;
      2) Status of extraction fee; and,
      3) Water quality data from designated sampling location from FDEP.
   d) **Health**
      1) Status of compliance for any onsite sewage treatment and disposal systems;
      2) Status of compliance for any onsite drinking water systems; and,
      3) Status of compliance with BMP’s for mosquito control including the need for aerial spraying.
   e) **Planning**
      1) Status of possibility for the mined areas to be utilized for Water Management or ecosystem restoration purposes with a letter or any executed binding agreements from each corresponding agency discussing pertaining to the reclaimed mined areas future proposed uses.
   f) **Zoning**
      1) Copy of the daily blasting log;
      2) Copy of the State Fire Marshall’s blast permit; and,
      3) Status of the upland reclamation requirements.

i. **Compatibility Standards**
A Type 3 Excavation shall be reviewed to assure the proposed excavation is compatible with surrounding land uses and complies with the applicable separation and setback standards and to ensure there are no negative impacts as defined herein. The BCC shall not approve the application if a finding is made that the use will be incompatible with surrounding land uses. For the purposes of this requirement, incompatible means negative impacts caused to surrounding land uses because of proximity or direct association of contradictory, incongruous, or discordant land uses or activities, including, but not limited to, the impacts of noise, vibration, dust, traffic, smoke, odors, toxic matter, radiation, and similar environmental conditions.

1) **General**
   The following standards shall apply to both Type 3A and Type 3B mining activities.
   a) **Location and Access**
      Local Residential Streets shall not be used for access or as a haul route. The site shall front on and have direct access to an Arterial or Collector Street designated on the County’s
Future Thoroughfare Identification Map. In cases when the street on the Thoroughfare Identification Map is not paved, the BCC may allow a Type 3 Excavation to locate and have access to the street provided the BCC makes a finding of fact that the use of the street will not cause an incompatible effect on surrounding residential uses, and may condition the project to obtain a haul permit in accordance with Art. 4.B.10.B.7.a.10), Hauling Standards.

(1) Restrictions in the RR FLU Designation
Commercial excavation shall be prohibited in neighborhoods which support developed Single Family residences on 60 percent of the valid lots of record. For the purposes of this requirement, neighborhoods shall be defined as an area contained within a platted subdivision, a rural unrecorded subdivision an approved affidavit of exemption, an area which has prepared a neighborhood plan in accordance with the Plan, or is in an area with lots of similar size. Commercial excavation located in an area with a rural residential land use designation that do not satisfy the definition of neighborhood above, shall have a minimum of 100 acres and 500 feet of frontage with direct access to an Arterial or Collector Street as specified herein.

b) Separation from Other Land Uses
Minimum separations from protected land uses are defined in Art. 4.B.10.C.5.i, Compatibility Standards. Unless otherwise specified, separation shall be measured from the outermost edge of the excavated area (top of bank), equipment, stockpiles, buildings, or structures, to the closest structure of a protected land use. The BCC may reduce the required separation distance based on the compatibility of the use with the adjacent area, and the remoteness or proximity of adjacent incompatible uses, provided the reduction complies with the intent of the compatibility standards in Art. 4.B.10.C.5.i, Compatibility Standards. The BCC shall state the basis for the reduced separation and make a finding of fact that the reduction should not negatively impact adjacent uses. If the separation is reduced, the BCC may require increased setbacks, buffering and other restrictions as necessary to protect surrounding land uses.

(1) Residential Uses
For the purposes of this Section, existing residential uses shall be defined as a residential lot supporting a residence in a platted subdivision, a rural unrecorded subdivision, an approved affidavit of exemption, a plat waiver, or other recorded instrument and is not located within the boundary of the excavation project.

c) Setbacks
Setbacks shall be measured from the outermost edge of the excavated area (top of bank), structure, building, equipment, or stockpile to the boundary of the excavation project.

d) Fence
If mining activity is conducted within one-half mile of a residential use, the mining operation shall be completely enclosed by a minimum six-foot-high fence, wall, or natural barrier and shall have signage posted to prohibit trespassing.

e) Noise
Airborne noise produced from the excavation activity shall comply with the noise provisions in Art. 5.E, Performance Standards, as measured at the nearest inhabited structure. The sound level limits are allowed to increase for a limited duration. For this limited period, noise generated by excavation projects may increase up to ten decibels more than permitted by Table 5.E.4.B, Maximum Sound Levels. In addition, the noise level may increase to a maximum of 120 decibels once each weekday (Monday through Friday) for a maximum of ten seconds.

2) Type 3A Excavation
a) Restrictions in the RR FLU Designation
(1) Lot Size
A minimum of 40 acres.

(2) Minimum Surface Area
The maximum excavated surface area shall not exceed 30 percent of the gross area contained within the boundary of the excavation project.
b) General
The following standards shall apply to a Type 3A Excavation:

(1) Minimum Separations and Setbacks
In addition to the separation requirements in Art. 4.B.10.B.7.b, Construction Standards, a Type 3A Excavation shall maintain the following separations and setbacks from adjacent uses as provided below.

(a) Separations from Residential Land Uses
Separation from an existing residence shall be a minimum of one-quarter mile, measured from the property line of the excavation project to the inhabited structure.

(b) Setbacks

<table>
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<tr>
<th></th>
<th>Residential</th>
<th>Commercial</th>
<th>Industrial/ Agricultural</th>
<th>Streets</th>
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<td>Processing Equipment</td>
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<tr>
<td>Accessory Buildings and Structures</td>
<td>300 feet</td>
<td>200 feet</td>
<td>100 feet</td>
<td>200 feet</td>
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(2) Stockpile Height
Stockpile height shall be limited to 30 feet.

(3) Buffer
A buffer shall be preserved or installed along a property line in accordance with the provisions below. The buffer shall be planted and maintained in accordance with the standards of Art. 7.C, Landscape Buffer and Interior Landscape Requirements, as applicable.

(a) Existing Vegetative Buffer
If a substantial native or non-native, non-invasive vegetative buffer exists, then the vegetation shall be utilized as an Incompatibility Buffer and preserved along the entire perimeter of the site, except for an approved access area. To be considered substantial, the buffer shall provide an opaque screen and be a minimum depth of one 100 feet. If the 100-foot buffer is not opaque, then native vegetation complying with the standards of a Type 3 Incompatibility Buffer shall be required to be planted to supplement the existing vegetation and shall form a solid visual buffer within two years. All native vegetative buffers shall be protected during the duration of the excavation activity in accordance with the standards in Art. 7.E, Existing Native Vegetation, Prohibited, and Controlled Plant Species, and in Art. 14.C, Vegetation Preservation and Protection.

(b) Existing Prohibited Vegetative Buffer
To provide an instant buffer the BCC, by condition of approval, may permit existing prohibited species to be maintained within the setbacks for a Type 3A Excavation until completion of the excavation activity. In such cases the prohibited species shall be removed prior to DRO approval of the as-built drawings for the final phase of excavation, provided the last phase is a minimum of 25 acres. A landscape buffer as required by applicable Sections of Art. 7.C, Landscape Buffer and Interior Landscape Requirements, shall be installed in conjunction with subsequent development.

(c) No Existing Vegetative Buffer
If a buffer does not exist along the areas defined below, then an opaque native buffer shall be installed complying with the standards of a Type 3 Incompatibility Buffer. The buffer shall be supplemented with a planted berm, a solid landscape barrier, or combination thereof to reach a height of eight feet in two years. The BCC may require the buffer to be planted to simulate natural conditions. This buffer shall be installed adjacent to:
(1) all streets;
(2) all residential zoning districts;
(3) lots supporting existing or proposed residential uses in the AR Zoning District. Unless otherwise determined by the BCC, a buffer shall not be required
adjacent to land in agricultural production in the AP, or SA Zoning Districts nor in the AR Zoning District if the land is used solely for Bona Fide Agriculture purposes; and,

(4) commercial zoning districts.

3) Type 3B Excavation
   a) Restrictions in the RR and SA FLU Designation
      (1) Lot Size
          A minimum of 100 acres.
      (2) Maximum Surface Area
          The maximum excavated surface area shall be determined by the BCC.
   b) General
      A Type 3B Excavation shall comply with the following criteria:
      (1) Minimum Separations and Setbacks
          In addition to the separation requirements in Art. 4.B.10.B.7.b, Construction Standards, a Type 3B Excavation, except those that lie in the area defined as the WCAA, shall comply with the separation and setback regulations below. Excavation projects in the WCAA shall be evaluated on a case-by-case basis in accordance with the compatibility criteria Art. 4.B.10.C.5.i, Compatibility Standards, and shall have separation requirements set by the BCC.

         (a) Separation from Residential Uses
             Separations from residential uses, shall be a minimum of one-eighth of a mile, in all directions measured in accordance with Art. 4.B.10.C.5.i.1)b), Separation from Other Land Uses, above.

         (b) Setbacks
             Minimum setbacks shall be provided based on separations from uses as indicated below.

         (c) Separation from Commercial and Industrial Uses
             Commercial: One-half mile
             Industrial: One-eighth mile

      Table 4.B.10.C – Setbacks Based on Separation from Residential Uses

<table>
<thead>
<tr>
<th>Uses</th>
<th>One Mile</th>
<th>Two Miles</th>
<th>One-Fourth Mile</th>
<th>One-Eighth Mile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mined Lake Edge</td>
<td>50 feet</td>
<td>100 feet</td>
<td>500 feet</td>
<td>1,200 feet</td>
</tr>
<tr>
<td>Processing Equipment</td>
<td>100 feet</td>
<td>300 feet</td>
<td>600 feet</td>
<td>1,400 feet</td>
</tr>
<tr>
<td>Stockpiles</td>
<td>100 feet</td>
<td>300 feet</td>
<td>700 feet</td>
<td>1,300 feet</td>
</tr>
<tr>
<td>Accessory Buildings and Structures</td>
<td>100 feet</td>
<td>100 feet</td>
<td>100 feet</td>
<td>100 feet</td>
</tr>
</tbody>
</table>

      (2) Mining Impact Study
          A Mining Impact Study shall be submitted for a Type 3B Excavation in the WCAA and for projects which the Applicant requests a reduction in the required separations. The study shall detail all methods and procedures for material extraction, processing, storage and hauling operations. At a minimum the study shall include the time of day blasting will occur, the maximum number of holes to be shot each occurrence, including the type of explosive agent, maximum pounds per delay, method of packing and type of initiation device to be used for each hole. The study shall include a blasting schedule and establish noise and vibration standards complying with Art. 4.B.10.C.5.i, Compatibility Standards. The study shall also demonstrate how these operations will impact surrounding land uses.

          (a) Prior to certification of an application for inclusion on a public hearing agenda, the DRO may retain a technical consultant to advise the PBC of the adequacy of the standards established in conjunction with the Mining Impact Study. The cost of PBCs consultant shall be borne by the Applicant.

      (3) Noise and Vibration Monitoring Report
          The Applicant shall monitor all blasting and other mining activities and record resultant noise and vibrations. PZB may, at any time, require the Property Owner to submit monthly monitoring reports, indicating the number, time, peak over pressure (noise)
and vibration caused by each activity. If requested, the Property Owner shall provide the noise and vibration monitoring report within two working days from the date of the request.

(4) Buffer

A buffer shall be installed along all property lines as specified below. The buffer shall be planted and maintained in accordance with the standards of Art. 7, Landscaping.

(a) Existing Native Vegetative Buffer

Existing native vegetation within 100 feet of the property line shall be preserved along the entire perimeter of the site, except for an approved access area.

(b) Existing Prohibited Vegetative Buffer

To provide an instant buffer along the entire perimeter of the site, the BCC, by condition of approval, may permit existing prohibited species to be maintained in the setbacks until completion of the excavation activity. In such cases, the prohibited species shall be removed prior to DRO approval of the as-built drawings for the final phase of excavation, provided the last phase is a minimum of 25 acres. A landscape buffer as required by Art. 7.C, Landscape Buffer and Interior Landscape Requirements, shall be installed in conjunction with subsequent development.

(c) Type 3 Incompatibility Buffer

Sites within a one-quarter mile of a public or private streets, which does not support an existing opaque native or non-native, non-invasive vegetative buffer shall install a Type 3 Incompatibility Buffer. The buffer shall be supplemented with a planted berm, a solid landscape barrier, or combination thereof.

(d) No Existing Vegetative Buffer

If a buffer does not exist along the areas defined below, then an opaque native buffer shall be installed complying with the standards of a Type 3 Incompatibility Buffer. The buffer shall be supplemented with a berm, a solid landscape barrier, or combination thereof to reach a height of eight feet in two years from the date of installation. The BCC may require the buffer to be planted to simulate natural conditions. This buffer shall be installed adjacent to:

(a) All residential zoning districts; and

(b) Lots supporting existing or proposed residential uses in the AR Zoning District.

Unless otherwise determined by the BCC, a buffer shall not be required adjacent to land in agricultural production in the AP or AR Zoning District if the land is used solely for Bona Fide Agriculture purposes.

c) Hours of Operation

Excavation and hauling activity shall occur only between the hours of 6:00 a.m. and 7:00 p.m., Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturday, unless otherwise determined by the BCC. Blasting activity shall be limited to 10:00 a.m. to 5:00 p.m., Monday through Friday.

d) Notice of Intent to Construct

Compliance with Art. 4.B.10.B.6, Notice of Intent to Construct.

j. Extraction Fee for Impacts

To offset the impacts of mining, a natural resource extraction fee is to be provided yearly for this mining operation from the operators of this mine or its successors. The basis for the extraction fee is calculated at five cents per ton of material sold from the mine. The tonnage will be calculated at the end of each calendar year with the information provided to ERM by January 31 of the succeeding year with the payment of five cents per ton provided by February 15. The funds will be used for environmental enhancement and compliance and monitoring activities which include, but are not limited to: Purchase land; restore land to a more natural state; and, enhance the flora and fauna of already preserved natural areas. The natural resources extraction fee shall escalate annually at the rate prescribed by F.S. § 373.41492(5) as amended. In the event the legislature of the State of Florida or the County imposes, by legislation, ordinance, or other means, an extraction fee, tax, or charge, then this natural resources extraction fee shall be reduced by the same amount.
### Table 4.B.11.A - Temporary Use Matrix

<table>
<thead>
<tr>
<th>Use Type</th>
<th>PUD PODS</th>
<th>MUPD FLU</th>
<th>MSPO FLU</th>
<th>MPO PODS</th>
<th>M R</th>
<th>V</th>
<th>TND TIER</th>
<th>TND TIER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communication Cell Sites on Wheels (COWs)</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
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<tr>
<td>Day Camp</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
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<tr>
<td>Mobile Retail Sales Model</td>
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<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Real Estate Sales and Management Office, Non-PDO</td>
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<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Real Estate Sales and Management Office, PDO or TDD</td>
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<td>D</td>
<td>D</td>
<td>D</td>
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<tr>
<td>Recycling Drop-Off Bin</td>
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<td>D</td>
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</tr>
<tr>
<td>Temporary Green Market</td>
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<td>D</td>
<td>D</td>
<td>D</td>
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<tr>
<td>Temporary Retail Sales</td>
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<td>D</td>
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<td>D</td>
<td>D</td>
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<tr>
<td>Temporary Vehicle Sales</td>
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<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
</tbody>
</table>

**Ag/Con:** AP, A, AR, P, R, S, T, U, E, U, T, S, M, N
**Commercial:** C, G, P, R, U, E, T, S, M, N
**Ind:** L, G, I, O
**Inst:** P

**Temporary Uses**

1. **Communication Cell Sites on Wheels (COWs):**
   - F

2. **Day Camp:**
   - P

3. **Mobile Retail Sales Model:**
   - D

4. **Real Estate Sales Model and Management Office, Non-PDO:**
   - P

5. **Real Estate Sales and Management Office, PDO or TDD:**
   - D

6. **Recycling Drop-Off Bin:**
   - D

7. **Special Event:**
   - D

8. **Temporary Green Market:**
   - D

9. **Temporary Retail Sales:**
   - D

10. **Temporary Vehicle Sales:**
    - D

**Use Approval Process Key:**

- **P:** Permitted by Right
- **D:** Subject to DRO Approval
- **A:** Subject to BCC Approval (Class A Conditional Use)
- **R:** Subject to Zoning Commission Approval (Class B Conditional Use)
- **E:** Prohibited Use, unless stated otherwise within Supplementary Use Standards

**Sections:**

- Section 11: Temporary Uses
  - A: Temporary Use Matrix

**Supplementary Standards:**

- **Exposure:** U, S, X
- **Agronomy:** A, G, B
- **Use Regulations:** 189

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(1) Supplementary Use Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standards column.
B. General Standards and Application Requirements

1. Design Standards
   a. All temporary uses, which includes all related activities, structures, vehicles, and equipment shall not be located in a manner that distracts motor vehicle operators, or causes any vehicles to stop or park in violation of the law or official traffic-control devices. [Ord. 2018-002]
   b. All temporary uses and temporary structures shall not be located in the required setbacks, parking, driveway aisles or loading areas, vehicular maneuvering areas, fire lanes, landscape buffers, sidewalks or ADA accessible routes, unless stated otherwise herein. [Ord. 2018-002]

2. Signage
   All signage for temporary uses shall comply with Art. 8, Signage, unless otherwise stated herein.

3. Electric Service
   All electrical use shall meet the requirements established by the PBC Chief Electrical Inspector and PBC Fire-Rescue Department, and the Applicant shall obtain a Building Permit for an electrical connection or generator for temporary power, if applicable.

4. Palm Beach County Parks
   Approvals for temporary uses located within Palm Beach County Parks shall be submitted to and reviewed by the PBC Parks and Recreation Department.

5. Submittal Requirements
   In addition to the requirements pursuant to Art. 2.C.5.C, Temporary Use, the following documentation shall be provided by the Applicant: [Ord. 2018-002]
   a. Consent
      The Applicant shall obtain and submit as part of their application, consent from the Property Owner(s) or a POA, of which has ownership or control over the property where the temporary use will be located.
   b. Liability and Insurance
      The Applicant shall submit:
      1) A proof of liability insurance listing the BCC as additionally insured and certificate holder. It shall be paid in full covering the period for which the permit is issued, in the minimum amount of 500,000 dollars per occurrence; and
      2) A hold harmless affidavit, which holds PBC harmless for any liability connected with the operation.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Communication Cell Sites on Wheels (COWs)
   a. Definition
      A temporary facility utilized to ensure adequate telecommunications capacity during periods of high usage or during periods when traditional modes of communication are unavailable. COWs consist of a folding or telescoping monopole or guyed structure, with attached antenna, mounted on a trailer or truck.
   b. Zoning Districts
      1) Non-Residential Districts
         a) COWs Greater Than 50 Feet in Height
            COWs greater than 50 feet in height located on parcels with non-residential zoning designations shall be subject to the following:
            (1) Setback
               The structure shall meet the greater of the setback requirements of the applicable zoning district or a distance equal to 110 percent of its height.
            (2) Separation
               The structure shall be separated a minimum of 300 percent of its height from any residential structure on an adjacent parcel.
         b) COWs 50 Feet in Height or Less
            COWs 50 feet in height or less, located on parcels with non-residential zoning designations are subject to the following:
            (1) Setback
               The structure shall meet the setback requirements of the applicable zoning district, provided that a commercial power source (e.g., electric) is utilized, in lieu of petroleum based auxiliary power (e.g., generator).
(2) Separation
The structure shall be separated a minimum of 150 percent of its height from any residential structure on an adjacent parcel.

(3) Other
COWs not utilizing a commercial power source shall be subject to the setback requirements of Art. 4.B.11.C.1.b.1)a), COWs Greater Than 50 Feet in Height.

2) Residential Districts
a) COWs Greater Than 50 Feet in Height
COWs greater than 50 feet in height located on parcels with residential zoning designations shall be subject to the following:
(1) Setback
The structure shall meet a setback from the property lines equal to 150 percent of its height.

(2) Separation
The structure shall be separated a minimum of 300 percent of its height from any residential structure on an adjacent parcel.

b) COWs 50 Feet in Height or Less
COWs 50 feet in height or less, located on parcels with residential zoning designations are subject to the following:
(1) Setback
The structure shall meet a setback from the property lines equal to 75 percent of its height; provided that a commercial power source (e.g., electric) is utilized, in lieu of petroleum based auxiliary power (e.g., generator).

(2) Separation
The structure shall be separated a minimum of 150 percent of its height from any residential structure on an adjacent parcel.

(3) Other
COWs not utilizing a commercial power source shall be subject to the setback requirements of Art. 4.B.11.C.1.b.1)a), COWs Greater Than 50 Feet in Height, above.

c. Use Limitations
COWs shall be allowed only in association with recognized large-scale Special Events with a minimum projected daily attendance of 30,000 or greater. The Zoning Director may consider allowing COWs for events with projected attendance of less than 30,000 people. The Applicant shall provide documentation that the existing communication facilities cannot accommodate the increase in usage.

d. Fencing
The COW shall be enclosed by a temporary fence a minimum of six feet in height, or other barrier approved by the Zoning Director.

e. Removal Bond and Agreement
The Applicant shall execute a removal agreement and post a 50,000.00-dollar removal bond, subject to approval by the Zoning Director and County Attorney.

f. States of Emergency
The requirements of this Section may be waived by the PZB Executive Director in the case of a declared state of emergency, as provided by law.

2. Day Camp
a. Definition
An establishment which provides care, protection and programmed activities for children five years of age and older for a period of less than 24 hours per day.

b. Duration
Maximum 16 weeks per calendar year.

c. Operation
This use shall not operate as a Day Care as defined and regulated by the Department of Children and Family Services.

d. Accessory Use
A Day Camp for 200 or fewer children may be Permitted by Right as an accessory use to a legally established institutional, civic, recreational, or educational use.
3. Mobile Retail Sales
   a. Definition
      General retail sales from a mobile vehicle or a portable trailer without a fixed or permanent location.
   b. Exception
      Transient sales vehicles that travel to several locations in one day, and spend less than two hours in the same location, may be exempt from ZAR approval process and these requirements. [Ord. 2019-005]
   c. Location
      1) Sites must comply with parking space requirements outlined in Table 6.B.1.B, Minimum Parking and Loading Requirements prior to applying for a Mobile Retail Sales. [Ord. 2018-002]
      2) The first Mobile Retail Sales vendor approved on a site may occupy up to two of the required parking spaces. Additional Mobile Retail Sales vendors may occupy on-site parking spaces only when those spaces are in excess of Table 6.B.1.B, Minimum Parking and Loading Requirements.
   d. Setbacks
      The use shall be set back a minimum of 200 feet from any property line of an existing residential use. This requirement shall not apply if a permanent building or structure blocks the view of the Mobile Retail Sales from residential.
   e. Number of Vendors
      A maximum of three Mobile Retail Sale vendors per development, provided they comply with the location above.
   f. Operation
      1) All operations, equipment, merchandise and related activities shall be contained within the mobile vehicle or portable trailer.
      2) All mobile vehicles and portable trailers shall vacate the site by midnight, unless otherwise stated within Art. 5.E.5, Hours of Operation, whichever is more restrictive.
   g. Roadside Vendors
      Applications for roadside vendors located within Palm Beach County R-O-Ws shall be submitted to and reviewed by the PBC Traffic Division in accordance with Roadside Stands and Vendors, Chapter 13, Article V of the PBC Code, as amended.

4. Real Estate Sales Model and Management Office, Non-PDD
   a. Definition
      A residential unit used for real estate marketing and sales as a builder’s office, and for other services directly associated with the sale of residential units. [Ord. 2019-005]
   b. Duration
      The DO shall be valid for five years from the date of issuance and may be renewed for an additional five years. [Ord. 2018-002]
   c. Location
      Shall be located on the property with access directly from a paved street. [Ord. 2019-005]
      1) Exception
         Sales Model or Office may be located off site for properties that are in Jupiter Farms, The Acreage, or Palm Beach Country Estates. [Ord. 2019-005]
   d. Parking
      The driveway and required handicap spaces shall be the only paved parking areas.
   e. Signage
   f. Storage
      Outdoor storage of construction material, supplies, or equipment shall not be permitted.
   g. Number
      A builder may construct and operate a maximum of two manned and two unmanned models in a platted residential subdivision which is not in a PUD, or in one of the following residential areas:
      1) Jupiter Farms
      2) The Acreage
      3) Palm Beach Country Estates
   h. Operation
      1) A builder’s office may be allowed provided it is limited to the garage area.
      2) Unmanned models shall not have employee office space.
3) Sales shall be limited to new units built by the company operating the sales model.

i. Completion Agreement
All sales models, including those in existence prior to January 1, 1998, shall execute a completion agreement in a manner and form acceptable to the County Attorney. The completion agreement shall include any modification(s) necessary to convert the model to a residential use.

1) Existing Models
All sales models existing on January 1, 1998 shall file a completion agreement with PBC by July 1, 1998. This agreement shall specifically identify all improvements, which are not consistent with the provisions of this Section, such as but not limited to additional parking or location on unpaved roads. At the time of executing the completion agreement, all signage shall comply with the requirements of this Section.

j. Modifications
Non-residential interior modifications shall be prohibited. The following improvements may be permitted only within the garage of the model:
1) Room divider partitions;
2) Electrical improvements; and,
3) A temporary facade in lieu of a garage door.

k. Removal
The temporary office shall be removed from the site no later than 30 days after the final CO has been issued for the last residential unit. [Ord. 2019-005]

5. Real Estate Sales and Management Office, PDD or TDD
a. Definition
An office for the sale and resale of new and existing residential units. For RVPD, units shall mean RV sites. [Ord. 2019-005]

b. Submittal Requirement
The Applicant shall submit a Regulating Plan showing the location of the Sales Office and required parking. A notarized removal agreement shall be executed and submitted concurrently with the application. [Ord. 2019-005]

c. Location
The Sales Office may be allowed in a Residential, Commercial, Private Civic, or Recreation Pod. Sales of RV sites may be located within the Recreation Pod of the RVPD. A Sales Office shall comply with the setback requirements in Table 3.D.1.A, Property Development Regulations (PDRs), and shall be located so as not to interfere with on-site construction operations and access. [Ord. 2014-025] [Ord. 2019-005]

d. Access
Temporary access to the Sales and Management Office may be approved by the DRO, and shall be limited to one year. Extension may be approved by the DRO. [Ord. 2019-005]

e. Parking
A minimum of two parking spaces, plus one for each employee on the shift of greatest employment, shall be provided. All parking areas, with the exception of handicap spaces and access, shall be provided on a hard surface of pavement, asphalt, shell rock, or mulch, provided the subgrade is compacted. Handicap spaces and access shall be provided in accordance with F.S. § 316.1955, F.S. § 316.1956, and F.S. § 553.48. [Ord. 2019-005]

f. Signs
Refer to Art. 8.D, Temporary Signs. [Ord. 2019-005]

g. Removal
The temporary office shall be removed from the site no later than 30 days after the final CO has been issued for the last residential unit. [Ord. 2008-037] [Ord. 2019-005]

1) RVPD
The temporary use shall be removed upon completion of the project, CO of a permanent RV site Real Estate Sales Office, or upon expiration of the maximum time to commence development for the last phase. The BCC may impose a Condition of Approval with a specific date for compliance. [Ord. 2014-025] [Ord. 2019-005]

h. Sale
1) Pod
A temporary Real Estate Sales Office for the sale of new units shall be permitted only in a Residential Pod or other temporary location approved by the DRO. Sales shall be limited to only new units in the pod. [Ord. 2019-005]
2) Project
A temporary Real Estate Sales Office for the sale and resale of units in the entire project, or phase of a project, shall be permitted in a Residential Pod, Private Civic Pod, Commercial Pod, or Recreation Pod, subject to approval by the DRO. A temporary Real Estate Sales Office serving an entire project shall only be permitted within a planned development and/or phase approved for 300 or more units. Sales and resales shall be limited to only units within the planned development. [Ord. 2019-005]

i. Resale
Resale of existing units from a temporary Real Estate Sales Office shall cease when the remaining number of units without a CO in the project, or phase, as applicable, reaches the following:

<table>
<thead>
<tr>
<th>Number of Units in a Project or Phase</th>
<th>Units Remaining without a CO</th>
</tr>
</thead>
<tbody>
<tr>
<td>≥ 1,000</td>
<td>20</td>
</tr>
<tr>
<td>500-999</td>
<td>16</td>
</tr>
<tr>
<td>300-499</td>
<td>12</td>
</tr>
</tbody>
</table>

[Ord. 2019-005]

6. Real Estate Sales Model, PDD or TDD
a. Definition
A residential unit for the sale of only new units within a Residential Pod of a PDD or TDD. A Sales Model may be used as a temporary Real Estates Sales and Management Office. [Ord. 2019-005]

b. Approval Process
Subdivision approval of the Sales Model lots by the Land Development Division shall be required prior to the issuance of a Building Permit. The Land Development Division may approve the lots prior to final platting. Sales Models shall comply with all applicable PDRs prior to the issuance of a CO. [Ord. 2019-005]

c. Duration
The use of a residential unit as a sales model shall cease prior to issuance of the CO for the last remaining unit in the pod.

d. Residential Pod
A maximum of eight, or 20 percent of the number of units in the pod, whichever is less, shall be permitted as sales models. A maximum of eight sales models per pod may be constructed prior to platting.

e. Model Row
Developments that are approved for a total of 300 or more units may construct a model row. A model row shall be open to the public for the sale of only new units in the project. The sale or resale of units outside the project shall be prohibited. [Ord. 2019-005]

1) Number
A maximum of 16 sales models shall be permitted in the model row. A maximum of one model row shall be permitted for every three pods under development, consisting of a minimum of 60 units each.

2) Location
A model row shall be located in a Residential Pod. Access to the model row shall be from a location approved by the DRO or allowed by this Code. [Ord. 2019-005]

f. Access
Temporary access to the Sales Model(s) may be permitted by the DRO, and shall be limited to one year. Extension may be approved by the DRO. [Ord. 2019-005]

g. Parking
A minimum of two parking spaces per model shall be provided. The parking area shall comply with Art. 6, Parking, Loading, and Circulation.

h. Signs
Refer to Art. 8.D, Temporary Signs. [Ord. 2019-005]

i. Removal
The Sales Model shall cease no later than 30 days after the final CO has been issued for the last remaining residential unit in the pod. [Ord. 2019-005]
7. **Recycling Drop-Off Bin**
   a. **Definition**
      A totally enclosed temporary structure or portable container within which the following pre-sorted, recyclable materials are collected: glass, aluminum, steel, and plastic containers no greater than six gallons in capacity, and paper.
   b. **Location**
      The drop-off bin shall be located in or adjacent to an off-street parking area, and shall not be located within required parking spaces. In TMD district, and for IRO projects, the Recycling Drop-Off Bins shall be designed to be consistent with the building’s design and shall not be located on a Main Street. [Ord. 2017-025]
   c. **Signage**
      Signage shall be required for all bins, as follows:
      1) **Location**
         a) One sign shall be located on the front or side where materials are collected.
         b) No more than two signs shall be allowed.
      2) **Minimum/Maximum Size**
         A minimum of eight and a maximum of 16 square feet.
      3) **Content**
         All required sign content shall be in lettering a minimum of six inches in height. The name and phone number of a responsible party shall be clearly posted. The name of the organization that is collecting the recyclable materials shall also be posted and include whether for profit, not-for profit or government entity. No additional content other than logos, clarification of materials to be collected for recycling, or direction signage identifying the bin shall be allowed.
   d. **Storage**
      Recycling materials shall be contained within a leak-proof bin or trailer. There shall be no outdoor storage of materials or refuse.
   e. **Number**
      The number of recycling bins shall be based upon the overall acreage of a development, including outparcels, provided all development regulations are met on-site. A minimum of one recycling bin for each site up to a maximum of one recycling bin per acre, rounded down to the nearest whole acre, may be allowed. No more than three bins shall be clustered or located within any one acre area unless collocated with loading, dumpster or other similar areas.
   f. **Operation**
      1) The bin and adjacent area shall be maintained and free from litter, debris, and residue on a daily basis. Failure to maintain the bin and adjacent area may result in the revocation of the DO. [Ord. 2018-002]
      2) No processing of deposited materials shall be allowed on-site. Limited sorting or separation may only be permitted when a bin is manned by a person during permitted collection hours. The unit shall employ no mechanical sorting or processing equipment.
      3) A recycling bin containing 40 cubic yards or more shall be monitored by a person. Manned collection activities shall be limited to between 7:00 a.m. to 8:00 p.m. daily.
   g. **Prohibited Materials**
      Collection of materials shall be expressly limited to pre-sorted, recyclable materials identified in this Supplementary Use Standard. Collection of any other materials, including but not limited to rubber, textiles, hazardous wastes or construction debris is prohibited.
   h. **Mobility**
      The mobility of a drop-off bin shall be maintained at all times.

8. **Special Event**
   a. **Definition**
      A temporary activity which may include rides, amusements, food, games, crafts, and performances.
   b. **Typical Special Events**
      Typical Special Events may include but are not limited to carnivals, circuses, temporary auctions, rallies, and revivals.
   c. **Approval Process**
      The use shall be subject to ZAR if the event is projected to attract less than 1,000 patrons on a site less than two acres. Project attendance shall be specified in the application. [Ord. 2018-002]
   d. **Duration**
      1) A Special Event shall not exceed 14 consecutive days.
2) If the Applicant provides to the Zoning Division a Justification Statement explaining the need for an extension, Zoning Staff shall determine whether the extension shall be granted up to 21 total consecutive days based on the following:
   a) The types of activities warrant the additional time period; and
   b) The time extension shall not cause an adverse impact or a nuisance to the adjacent parcels.
3) A maximum of three events during any 12 consecutive calendar months per parcel. [Ord. 2018-002]

e. Zoning District – Residential
   Special Events that are prohibited in residential zoning districts may be allowed subject to a DRO approval if the following standards are met: [Ord. 2018-002]
   1) Shall be collocated with a Place of Worship;
   2) Hours of operation shall be from 9:00 a.m. to 5:00 p.m.; and,
   3) Special Events and religious services operating during the same time are required to provide parking for both activities or comply with the off-site parking provisions in Art. 6, Parking, Loading, and Circulation.

f. Location
   Shall not front a street under construction.
   1) U/S Tier
      Primary access shall be from a paved Arterial or Collector Street.
   2) All Other Tiers
      a) In the Rural, Exurban, AGR, and Glades Tiers, primary access shall be from a paved street.
      b) Back-out parking directly onto a public street shall be prohibited.

g. Setbacks
   All buildings, trailers, vehicles, tents, mechanical devices, rides, animals, and related equipment and activities shall be set back as follows:
   1) A minimum of 50 feet from any adjacent streets.
   2) A minimum of 200 feet setback is required from any property line with a residential use or FLU designation. This requirement may be exempt if the residential parcel has no existing residential structures.

h. Parking
   The use shall be prohibited on vacant undeveloped parcels, unless parking is provided on a stabilized surface with defined ingress/egress for vehicles to enter and exit the site in a forward motion.

9. Temporary Green Market
   a. Definition
      A temporary gathering of vendors, primarily for the purpose of selling fresh unprocessed fruit, vegetables, flowers, and consumable items such as coffee, bread, and prepared food.
   b. Duration
      Shall only be allowed on weekends and holidays, and up to six months per calendar year.
   c. Lot Size
      A minimum of one acre with the exception of lots located in the WCRAO where a minimum of one-half of an acre is required.
   d. Signage
      Vendor signs shall not be visible from the Right-of-Way.
   e. Operation
      1) Tents exceeding 120 square feet shall be subject to a Building Permit Review.
      2) Motor vehicles utilized for the purpose of transporting vendor supplies and products may be allowed on site, provided the vehicles are removed from the site within two hours after the market closes each weekend.
      3) Shall not utilize required parking spaces.

10. Temporary Retail Sales
   a. Definition
      General retail sales without a fixed or permanent location.
   b. Typical Uses
      Typical uses may include but are not limited to temporary sales of Christmas trees, pumpkins, fireworks, plants, art, paintings, rugs, and furniture.
c. **Duration**
   Shall not exceed 30 consecutive days and a maximum of four times per calendar year per parcel.

d. **Zoning District – AGR**
   Shall be limited to Christmas trees, plants, and pumpkins.

e. **Location**
   Shall front an Arterial Street.

f. **Number**
   A maximum of one temporary tent or structure shall be allowed per parcel.

g. **Operation**
   All debris shall be completely removed from the site, and the property shall be returned to its original condition, within 24 hours of the expiration of the DO or the removal of the activities associated with Special Event. [Ord. 2018-002]

h. **Special Provisions for Sparklers**
   Shall comply with the following additional requirements:
   1) **Zoning Districts**
      Shall be limited to CG and IL.
   2) **Seasonal Limitations**
      Shall only be allowed June 20 through July 5 and December 10 through January 2 of each year.
   3) **Additional Application Requirements**
      The application shall include the following information: [Ord. 2018-002]
      a) **Fire Marshal Certification**
         The PBC Fire Marshall shall review and approve the location of the sale of the sparklers and issue a certificate of registration.
      b) **Affidavit of Compliance**
         A signed and notarized affidavit of compliance with the Approved List of Sparklers maintained by the State Fire Marshall. The affidavit shall be submitted affirming that only products on the State Fire Marshall’s approved List of Sparklers will be sold and that violation of the affidavit may result in an injunction.
      c) **Documentation**
         Copies of State of Florida registration documents for any corporate or other business entity, evidence of registering any fictitious name to be used and driver’s licenses for the Applicant’s authorized agents.

i. **Parking**
   Parking shall be provided on site, on a stabilized surface with defined ingress/egress. Vehicles shall enter and leave the site in a forward motion.

11. **Temporary Vehicle Sales**
   a. **Definition**
      The temporary sale of new or used motor vehicles, including cars, trucks, and recreational vehicles.
   b. **Duration**
      1) Limited to five consecutive calendar days, not to exceed four times per calendar year.
      2) Shall be prohibited during the months of November and December.
   c. **Lot Size**
      A minimum of ten acres.
   d. **Setbacks**
      The event area shall be set back a minimum of 50 feet from all buildings.
   e. **Parking**
      1) A maximum of 50 required off-street parking spaces may be utilized, and no related activities shall extend beyond the designated area.
      2) Accessible parking spaces shall not be occupied by activities related to the use.
   f. **Accessory Sales**
      Up to three Mobile Retail Sales vendors limited to sales of food and beverage may be allowed as an accessory use to Temporary Vehicle Sales, subject to the Mobile Retail Sales Supplementary Use Standards.
Amendment History: